

UC Riverside Police Department

U C Riverside PD Policy Manual

CHIEF'S PREFACE

The University of California Police Department is a professional police agency staffed by individuals who cherish and maintain the highest standards of conduct and performance. As Chief of Police, I am proud of this department and every member of the organization. Employees have demonstrated continuing dedication and leadership in the field of law enforcement through their own initiative. All members of the department are responsible for upholding this fine tradition. This policy manual is a reflection of these concepts, and when fairly applied confirms this commitment to our community and the organization.

We must acknowledge that no set of policies can address all circumstances employees may encounter in policing. There will be situations that occur that must be left to the good judgment and discretion of the person involved. This judgment and discretion must be employed with sound reasoning.

This policy manual is a living document that is subject to change due to new laws, court decisions, University policies, and new methodologies that dictate the need for continual review. It is every employee's responsibility and duty to become thoroughly familiar with the contents of the manual and updates as they occur. Upon distribution of this manual all other existing manuals, orders, and regulations that are in conflict are hereby revoked.

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LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

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MISSION STATEMENT

The mission of the University of California Police Department, Riverside is to enhance the quality of life by providing a secure and safe environment through professional service to the University community.

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

100.2 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.2(b) et seq.).

100.2.1 DELIVERY TO NEAREST MAGISTRATE

When an officer makes an arrest pursuant to a warrant with bail set, and the warrant was issued in a county other than where the person was arrested, the officer shall inform the person in writing of the right to be taken before a magistrate in the county where the arrest occurred (Penal Code § 821; Penal Code § 822).

100.2.2 EDUCATION CODE § 92600

Education Code §92600 states in part:

"... Persons employed and compensated as members of said police department, when so appointed and duly sworn, are peace officers, provided, that such officers shall not exercise their powers or authority except;

- Upon campuses of the University of California and an area within one mile of the exterior boundaries of each thereof.
- In or about grounds or properties owned, operated, controlled or administered by the Regents of University of California, and
- As provided in section §830.2 of the Penal Code.

100.2.3 PENAL CODE § 830.2(B)

Penal Code § 830.2(b) states in part:

"The following persons are peace officers whose authority extends to any place in the state; A member of the University of California Police Department appointed pursuant to §92600 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in § 92600 of the Education Code.

100.2.4 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE UC RIVERSIDE POLICE DEPARTMENT

The arrest authority within the jurisdiction of the UC Riverside Police Department includes (Penal Code § 830.2(b); 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.

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

100.2.5 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE UC RIVERSIDE POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the UC Riverside Police Department includes (Penal Code § 830.2(b); Penal Code § 836):

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

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

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

100.2.6 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.

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- (c) The arrest is made with the person in custody pursuant to another lawful arrest.
- (d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

100.2.7 OREGON AUTHORITY

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

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

UC Riverside Police Department officers have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, officers should seek permission from a department supervisor before entering Oregon to provide law enforcement services. As soon as practicable, officers exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

100.3 CONSTITUTIONAL REQUIREMENTS

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

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 NON-PEACE OFFICER POWERS AND AUTHORITY

Department employees not employed as sworn personnel shall not have those powers of arrest as described above, and shall not function as sworn law enforcement officers while performing

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their specific duties. Non-sworn safety personnel shall engage only in those duties described in the current job description as provided by the University of California, Riverside.

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 UC Riverside 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, the Constitution and laws of the State of California, and the Rules and Regulations of the Regents of the University of California; 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).

Law Enforcement Code of Ethics

103.1 PURPOSE AND SCOPE

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

103.2 POLICY

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

103.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

103.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

Policy Manual

107.1 PURPOSE AND SCOPE

The manual of the UC Riverside 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.

107.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

107.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the UC Riverside Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the University, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The UC Riverside Police Department reserves the right to revise any policy content, in whole or in part.

107.3 AUTHORITY

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

107.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

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

CHP- The California Highway Patrol.

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CFR - Code of Federal Regulations.

University - The University of University of California, Riverside.

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

Department/UCRPD - The UC Riverside Police Department.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile- Any person under the age of 18 years.

Manual - The UC Riverside Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

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

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

107.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee. Any matters which constitute a change to wages, hours, or working conditions will require a meet and confer process with FUPOA in compliance with the California Higher Education Employee-Employer Relations Act (HEERA).

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

107.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary. The review shall be completed at least annually, and shall include all issued procedures and directives which have not yet been incorporated into this policy manual.

107.7 REVISIONS TO POLICIES

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

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

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

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

Any matters which constitute a change to wages, hours, or working conditions will require a meet and confer process with FUPOA in compliance with the California Higher Education Employee-Employer Relations Act (HEERA).

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 UC Riverside Police Department. There are two divisions in the Police Department as follows:

- Support Services Division
- Patrol Division

200.2.1 SUPPORT SERVICES DIVISION

The Support Services Division is commanded by a Lieutenant, whose primary responsibility is to provide general management direction and control for the Support Services Division. The Support Services Division consists of Technical Services, Records, Investigations, and Crime Prevention activities.

200.2.2 PATROL DIVISION

The Operations Division commanded by a Lieutenant whose primary responsibility is to provide general management direction and control for that Division. The Operations Division consists of Uniformed Patrol Operations and Traffic Enforcement..

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 Division Commander to serve as the acting Chief of Police.

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

- (a) Assistant Chief of Police
- (b) Field Operations Division Commander
- (c) Support Services Division Commander
- (d) Watch Commander

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy

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or special assignment (e.g., Investigations, Crime Prevention Officer), 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.

Duty to Intervene and Report

202.1 POLICY

All members have a duty to either stop, or attempt to stop, another member of the department when they witness abuse of power, excessive force, sexual harassment, or other behaviors that may be in violation of agency policies or local, state, or federal laws, or University of California Policies and Procedures. Additionally, all member of this department are required to report any circumstance which required intervention by the member.

Employees may be subject to disciplinary action, civil liability, and criminal prosecution should they fail to intervene as described in this policy.

202.2 TYPES OF INTERVENTION

Based on the employee's role in the department, employee intervention could include

- (a) Ensuring medical attention has been rendered if aid is required by any individual
- (b) Active intervention, when possible, if observing violations of policy or law, or unethical or inappropriate behavior by another member of the department
- (c) Preventative intervention, when possible, if observing behavior that suggests another member is about to engage in a violation of policy or law, or unethical or inappropriate behavior
- (d) Verbal or physical intervention, when safe to do so
- (e) Immediate notification to a supervisor or watch commander

This list is not intended to be in all-inclusive, and members may encounter situations where they must intervene in a manner not described here. Officers engaging in active intervention during a use of force incident should consider the possibility that other officers may have additional information regarding the threat posed by a subject. The novelty of a particular situation does not absolve the member of their duty to intervene and report that intervention to an appropriate supervisor or manager.

202.3 REPORTING

Any employee of this department who intervenes in any manner consistent with this policy shall document the details of that intervention and the circumstances encountered by the employee in a memorandum to their supervisor, or to an appropriate department manager.

General Order

204.1 PURPOSE AND SCOPE

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

204.1.1 GENERAL ORDER PROTOCOL

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

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

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

204.2 RESPONSIBILITIES

204.2.1 STAFF

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

204.2.2 CHIEF OF POLICE

The Chief of Police and/or designee shall issue all General Orders.

204.3 ACCEPTANCE OF GENERAL ORDERS

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

Emergency Management Plan

206.1 PURPOSE AND SCOPE

The University 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).

206.2 ACTIVATING THE EMERGENCY PLAN

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

206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the UC Riverside 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.

206.3 LOCATION OF THE PLAN

The manual for the employees is available on the University of California Environmental Health & Safety website. All supervisors should familiarize themselves with the Emergency Management Plan and what roles police personnel will play when the plan is implemented.

206.4 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.

Training

208.1 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.

208.2 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. The department will ensure that members are properly trained prior to their exercise of authority and prior to their assignment to fulfill the roles or responsibilities specified within their job descriptions and department policies & procedures.

208.3 PHILOSOPHY

In addition to providing all essential entry-level and ongoing training for all department members as necessary for their specific duties, 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).

208.3.1 ROLE OF SUPERVISORS AND MANAGERS

All department supervisors and managers are expected to take an active role in the development of department members they supervise or manage, and should consider it a priority to identify and facilitate opportunities for training and experience that enhances the mission-oriented capacities of department members.

208.4 OBJECTIVES

The objectives of the Training Program are to:

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

208.5 TRAINING PLAN

A training plan will be developed and maintained by the Training Sergeant, to identify and prioritize essential, nominal and optional mission-oriented training needs for all positions and all specialized assignments and units within the department. It is the responsibility of the Training Sergeant to

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maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

- Entry level/prerequisite training
- Continuing Professional Training (CPT) requirements
- Perishable Skills
- State of California and University of California mandated training
- Department-required refresher and update training
- Specialized assignment and unit-specific training needs
- Legislative Changes
- State Mandated Training
- Critical Issues Training
- Recommended Training by Assignment

208.6 TRAINING SERGEANT

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

208.6.1 TRAINING RESTRICTION

The Training Sergeant 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)).

208.7 TRAINING NEEDS ASSESSMENT

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

208.8 TRAINING COMMITTEE

The Training Sergeant shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

The Training Committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities in post-incident evaluation and assessing related training needs. The Training Sergeant 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 any undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

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- (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 the Training Sergeant 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 Training Sergeant. 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 Training Sergeant 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.

208.9 TRAINING PROCEDURES

All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:

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

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

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

208.10 TRAINING REQUESTS

Training and travel requests may originate at any position in the appropriate chain of command, but must be submitted for approval by the Appropriate Division Commander in the manner described in this order.

Training and travel opportunities should be brought to the attention of the Training Manager no later than six weeks before the event date, unless there are exigent or unavoidable circumstances that require shorter notice. It is the responsibility of the Training Manager and the Administrative Sergeant to manage all department training and travel procedures, inquiries, records and forms, except as required by other applicable policy or exigent situations.

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208.11 TRAINING APPROVAL PROCESS

The Training Manager will provide assistance to any member of the Department investigating a training or travel opportunity. This should include an assessment of the potential benefit, priority, impact and cost. Generally this discussion should include input from the affected member's direct supervisor and the head of any relevant specialized unit. If the event appears to be appropriate and desirable, the Training Manager shall generate a Travel and Training Order (TTO) and submit it to the member's supervisor through the Chain of Command.

Disapproved TTOs shall be returned to the Training Manager, along with an explanation for the reason of the disapproval. The Training Manager shall ensure that all involved parties are notified of the disapproval. TTOs approved by the Appropriate Division Commander shall be returned to the Training Manager for processing. Once approved by the Division Commander, the TTO is a binding assignment and the department member is expected to attend. The Training Manager shall ensure that all involved parties are notified, and facilitate all the necessary arrangements including any event, travel and transportation.

The Training Manager shall prepare a "Training & Travel Packet" for the department member(s) assigned to the event, including a copy of the course description and details, any additional relevant information or expectations, and any travel arrangements. The packet shall also contain a letter describing expenses for which the department member may be eligible for reimbursement, or reimbursement instructions. These packets will not be generated for outside training conducted at alternative work sites

The Training Manager shall make every effort to provide the "Training & Travel Packet" to the assigned department member(s) at least one calendar week prior to the event, or as soon as possible if such notice is not available.

208.12 TRAVEL ARRANGEMENTS

When a department member is assigned training outside the department, the department will reimburse the department member for all reasonable expenses associated with the training. The Administrative Officer or their designee, along with the department member, are responsible for coordinating travel arrangements. Refer to the policy on Travel and Expense Reimbursement for specific details.

208.13 LESSON PLANS

With the exception of Briefing Training, pre-approved lesson plans are required for all training courses conducted by the department. Lesson plans shall minimally include:

- (a) The expected performance objectives for the course.
- (b) The content of the training and instructional techniques to be used.
- (c) A list of any tests or assessments conducted for determining competency

The course instructor(s) must submit a lesson plan to the Training Manager for approval prior to conducting the course. The Training Manager will review the plan to ensure it is complete. The

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Training Manager will consult with subject matter experts as necessary to confirm the content is appropriate. Final approval of lesson plans rests with the Support Services Division Commander.

208.14 RECORDS OF DEPARTMENT TRAINING COURSES

The Training Manager will maintain records of each training program presented by the department to include:

- (a) Course content (lesson plans).
- (b) Names of agency attendees.
- (c) Performance of individual attendees as measured by tests or assessments, if administered; and,
- (d) Identification of the instructors or outside organization presenting the course.

The Training Manager will update individual department member training records following their participation in training programs.

208.15 REMEDIAL TRAINING

Remedial training is required for department members who do not demonstrate sufficient knowledge and/or skill to comply with department policies or procedures. Supervisors and course instructors are responsible for identifying department members who require remedial training.

Once a need has been identified, remedial training shall be given as soon as practical. A schedule for completion of the training will be determined by the department member's supervisor, in consultation with instructors and the chain of command as needed.

Remedial training should be provided until such time that the department member can satisfactorily pass the required training, or until the department member has demonstrated a failure to respond to the training provided. If a department member refuses or fails to respond to remedial training they may be subject to disciplinary action.

208.16 ANNUAL IN-SERVICE TRAINING

All peace officers and other department members with duties that include the direct provision of enforcement services are required to successfully complete an annual in-service training program as presented or assigned by the department. Topics may include POST-mandated refresher training, perishable skills such as firearms and defensive tactics, and any other essential topics identified by the Training Manager. Department members required to attend will not be permitted to sign up for annual vacation during dates that have been set aside for in-service training.

208.17 TRAINING UPON PROMOTION OR SELECTION

Upon the promotion of a department member, or their selection to a specialized assignment or unit, the Training Manager will ensure they are provided any mandated or essential job-related training within one year of their promotion or selection. Should unforeseen circumstances arise that prevent such training from being completed within one year, the Training Manager will prepare a summary of the problem and a plan for resolution, and forward it via the chain of command to the Chief of Police for review and approval.

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208.18 ACCREDITATION TRAINING

This agency shall administer training as required by the International Association of Campus Law Enforcement Administrators (IACLEA). That training shall include:

1. Initial ethics training presented by the University of California, Riverside within six months of appointment to any position within the police department
2. Biennial ethics training presented by the University of California, Riverside
3. Biennial UC Compliance training, which shall include the following components:
 1. Identifying sexual harassment in the workplace
 2. UCR and UCOP reporting procedures, including whistleblower resources, procedures, and rules
 - (a) This training shall include UCR Title IX and SVSH reporting requirements and procedures

Electronic Mail

212.1 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.

212.2 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.

212.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police or a Division Commander. Email messages sent by an officer or dispatcher to a sub-group that will forward the message to multiple users associated with that sub-group must be approved by the officer's or dispatcher's immediate supervisor. 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.

212.4 EMAIL RECORD MANAGEMENT

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

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Electronic Mail

UCRPD email is managed by the University of California Riverside's Information Technology Solutions department. The campus policy concerning email, including retention schedules and procedures, may be found at: <https://fboapps.ucr.edu/policies/index.php?path=viewPolicies.php&policy=400-31>

Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 DEPARTMENT E-MAIL

Department E-mail 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.

214.3 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.

214.4 SURVEYS

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

Staffing Levels

216.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet operational requirements of the Department.

216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least one regular supervisor on duty whenever possible. Watch Commanders will ensure that a field supervisor is designated and deployed during each watch, if no regular supervisor is on duty.

216.2.1 SUPERVISION DEPLOYMENTS

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

With prior authorization from the Patrol Division Commander, an officer may act as the Watch Commander for a limited period of time.

216.3 CAMPUS PATROL STAFFING LEVELS

The University of California Police Department is aware of the influence by our policing style, service philosophy, response time standards, and community policing roles by patrol officers.

Minimum Campus Staffing requirements will be maintained by each shift with a designated Watch Commander and two (2) patrol officers at all times.

Minimum staffing will not be reduced unless approved by the Chief of Police or his/her designee.

License to Carry a Firearm

218.1 PURPOSE AND SCOPE

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

This policy is not applicable for current UCRPD sworn members nor retired UCRPD sworn members.

218.1.1 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).

218.1.2 APPLICATIONS AND LICENSES REFERRAL

All applications and licenses will be referred to Chief of Police of Riverside or the Sheriff of Riverside County.

218.2 POLICY

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

218.3 QUALIFIED APPLICANTS

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

- (a) Be a resident of the University of California, Riverside (Penal Code § 26150; Penal Code § 26155).
- (b) Be at least 21 years of age (Penal Code § 29610).
- (c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.
- (d) Be free from criminal convictions that would disqualify the applicant from carrying a firearm. Fingerprints will be required and a complete criminal background check will be conducted.
- (e) Be of good moral character (Penal Code § 26150; Penal Code § 26155).
- (f) Show good cause for the issuance of the license (Penal Code § 26150; Penal Code § 26155).

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- (g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
- (h) Provide proof of ownership or registration of any firearm to be licensed.
- (i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (j) Complete required training (Penal Code § 26165).

218.4 APPLICATION PROCESS

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

218.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
 - 1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.
 - 2. If an incomplete application package is received, the Chief of Police or authorized designee may do any of the following:
 - (a) Require the applicant to complete the package before any further processing.
 - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
 - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).
- (b) At the time the completed application is submitted, the applicant shall submit a check made payable to the California Department of Justice for the required California DOJ application fee, along with a separate check made payable to the University of California, Riverside for a nonrefundable 20 percent of the application fee to cover the cost of processing the application (Penal Code § 26190).
 - 1. Additional fees may be required for fingerprinting, training or psychological testing, in addition to the application fee.
 - 2. Full payment of the remainder of the application fee will be required upon issuance of a license.

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3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
 - (c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in department files. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for department use. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).
 - (d) The applicant should submit at least three signed letters of character reference from individuals other than relatives.
 - (e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

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

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

218.4.2 PHASE TWO

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

- (a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Chief of Police or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.
 1. The determination of good cause should consider the totality of circumstances in each individual case.
 2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.
 3. The Department will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).
- (b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might

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render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).

- (c) The applicant shall complete a course of training approved by the department, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).
- (d) The applicant shall submit any firearm to be considered for a license to the Rangemaster or other department authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department Rangemaster, or provide proof of successful completion of another department-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

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

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

218.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

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

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

- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the University of California, Riverside (Penal Code § 26150).
- (b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).

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- (c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).
- (d) Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

218.6 ISSUED FIREARMS PERMITS

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

- (a) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the firearm.
 - 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
 - 2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (b) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, restrictions and other pertinent information clearly visible.
 - 1. Each license shall be numbered and clearly identify the licensee.
 - 2. All licenses shall be subjected to inspection by the Chief of Police or any law enforcement officer.
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
 - 1. A license issued to a state or federal magistrate, commissioner or judge will be valid for a period not to exceed three years.
 - 2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
- (d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).
- (e) The licensee shall notify this department in writing within 10 days of any change of place of residency.

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218.6.1 LICENSE RESTRICTIONS

- (a) The Chief of Police may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:
 - 1. Consuming any alcoholic beverage while armed.
 - 2. Falsely representing him/herself as a peace officer.
 - 3. Unjustified or unreasonable displaying of a firearm.
 - 4. Committing any crime.
 - 5. Being under the influence of any medication or drug while armed.
 - 6. Interfering with any law enforcement officer's duties.
 - 7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
 - 8. Loading the permitted firearm with illegal ammunition.
- (b) The Chief of Police reserves the right to inspect any license or licensed firearm at any time.
- (c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

218.6.2 AMENDMENTS TO LICENSES

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

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

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

218.6.3 REVOCATION OF LICENSES

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

- (a) The licensee has violated any of the restrictions or conditions placed upon the license.
- (b) The licensee becomes psychologically unsuitable to carry a firearm.

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- (c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103 or any state or federal law.
- (d) The licensee engages in any conduct which involves a lack of good moral character or that might otherwise remove the good cause for the original issuance of the license.
- (e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).

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

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

218.6.4 LICENSE RENEWAL

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

- (a) Verifying all information submitted in the original application under penalty of perjury.
- (b) Completing a department-approved training course pursuant to Penal Code § 26165. The applicant shall not be required to pay for a training course prior to the determination of good cause (Penal Code § 26165).
- (c) Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (d) Paying a non-refundable renewal application fee.

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

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

218.7 DEPARTMENT REPORTING AND RECORDS

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

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

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- (d) The amendment of a license
- (e) The revocation of a license

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

218.8 CONFIDENTIAL RECORDS

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

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

Retired Officers - Carry Concealed Weapons

219.1 PURPOSE AND SCOPE

Each campus Chief of Police shall issue identification cards and Carry Concealed Weapons (CCW) endorsements or certifications for its qualified retired peace officers in accordance with California Penal Code, including sections 16690, 25450, 25455, 25460, 25465, 25470, and 26305..

219.2 QUALIFIED RETIRED PEACE OFFICER – DEFINITION

A “Qualified Retired Peace Officer” for purposes of issuance of a CCW endorsement or certification is defined as an officer who meets all of the following:

(a) At the time of retirement, the officer was a full time sworn employee of a University of California Police Department who was authorized to, and did, carry a firearm during the course and scope of that employment; and

(b) The officer honorably retired from the University directly from active service as a peace officer and receiving or is immediately eligible to receive benefits under the provisions of the University of California Retirement System.

(1) An officer receiving duty disability income has not retired or separated from the University of California and is therefore not eligible for a retiree identification card or retiree CCW privileges and is not considered a “qualified retired and separated peace officer; and

(c) The officer did not retire due to a psychological disability (Penal Code §26305(a)), and had no mental health incapacity limiting their ability to work as a sworn police officer preceding retirement in good standing; and

(d) The officer is not otherwise subject to a lawful restriction on the possession of firearms that conflicts with a carry concealed weapons endorsement; and

(e) The officer meets their individual campus Police Department’s firearm proficiency qualification standard.

219.3 CARRY CONCEALED WEAPONS - GENERAL RULES AND RESPONSIBILITIES

Retired badges, University of California Retired Officer Identification Cards (with or without carry concealed weapons endorsement), and other documentation or certification of carry concealed weapons privileges issued by any University of California campus shall remain the property of the University of California and may be revoked, recalled, or denied by that campus’ Chief of Police at any time.

(a) Qualified Retired Peace Officers who elect not to exercise carry concealed weapons privileges may be issued ID cards that distinctly bear the text “Not CCW Approved.” Additional text shall

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further specify that the bearer is not authorized to carry a concealed firearm. Cards of this type have no expiration date and otherwise resemble those described in Section 220.5 of this Chapter.

(b) The Chief of Police or designee will inquire whether a Qualified Retired Peace Officer wishes not to have an endorsement for carry concealed weapons privileges (Penal Code §26300(b)).

(c) Qualified Retired Peace Officers who elect to and are approved to carry concealed weapons shall remain in the California Department of Justice Summary Criminal History Information Database pursuant to Penal Code §11105(k) (1).

(d) Qualified Retired Peace Officers who exercise carry concealed weapon privileges must:

(1) Comply with all applicable provisions of law and Departmental policy: Qualified Retired Peace Officers exercising carry concealed weapon privileges remain subject to their former campus' rules and policies (Penal Code §26305(b)). Violation of law and/or Department policy, including failure to meet the appropriate firearm proficiency qualification standards, may be cause for revocation or denial of carry concealed weapon privileges and/or the recall of any issued badge, identification card or documentation of carry concealed weapons privileges and any other Department property.

(2) Notify their campus of any change in permanent resident address information within 30 days of change in permanent residence;

(3) Only carry a concealed firearm of the type for which they are qualified, and which is in good condition and proper working order;

(4) Refrain from being under the influence of alcohol (or any other intoxicating or hallucinatory drug or substance) when exercising carry concealed weapons privileges;

(5) Contact their campus to apply for renewal of identification cards;

(6) In the event that their retiree badge and/or University of California Retired Officer Identification Card is lost or stolen, as soon as practical, contact their former Department and make a police report, in addition to any police report filed with another jurisdiction;

(7) Immediately surrender any and all ID cards or carry concealed weapons certification documents, and any non-decorative badge or other property issued by their former campus, upon the demand of the campus Chief of Police.

Each campus may charge a fee as necessary to cover any reasonable expenses incurred during the process of issuing identification or certification to Qualified Retired Peace Officers (Penal Code §25455(b)).

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219.4 FIREARMS QUALIFICATIONS STANDARDS

A retiring officer shall successfully pass, within 180 days prior to retiring, a department-approved firearm proficiency qualification or off-duty qualification course.

219.5 IDENTIFICATION AND QUALIFICATION DOCUMENTATION

Identification cards issued to Qualified Retired Peace Officers qualifying for carry concealed weapons privileges in the State of California shall be in the following format and contain the information described below:

- (a) The ID card shall be on a 2x3 inch card, bear the photograph of the retiree, include the retiree's name, date of birth, the date that the retiree retired, and the name and address of the agency from which the retiree retired, and stamped on it the endorsement "CCW Approved" and the date the endorsement is to be renewed (Penal Code §25460(c)).
- (b) The ID card shall display the date of expiration of the ID card and CCW privilege, which is initially required five years after the date of retirement, and every five years thereafter;
- (c) A statement on the reverse of the ID card shall describe the authority of the Department to issue the carry concealed weapons endorsement and to confiscate the card.

219.6 DENIAL OF PRIVILEGE

Issuance of a University of California Retired Officer Identification Card may be denied by the campus Chief of Police prior to a hearing pursuant to Penal Code §26310.

- (a) If a hearing is not conducted prior to the denial of an endorsement, an officer may request an appeal hearing pursuant to this section only if they are Qualified Retired Peace Officer as defined in Section 220.2 of this chapter.
- (b) Officers requesting an appeal hearing shall do so within 15 days of the denial. A retired peace officer who fails to request a hearing pursuant to this section shall forfeit the right to a hearing (Penal Code §26310).
- (c) Appeal hearings shall be held by a three-member hearing board. One member of the board shall be selected by the agency's Chief of Police and one member shall be selected by the retired peace officer or their employee organization. The third member shall be selected jointly by the agency and the retired peace officer or their employee organization (Penal Code §26320).
- (d) Appeal hearings may include an assessment of the facts outlined in the retiree's appeal, complete review of the retiree's personnel records including performance evaluations, internal affairs records, disciplinary documents, fitness for duty documentation, records of criminal convictions, separations documentation or any other documentation necessary to make an objective and appropriate recommendation.

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219.7 REVOCATION

A retired officer may have the privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency (Penal Code §26305(b)).

An identification certificate authorizing the retired officer to carry a concealed and loaded firearm or an endorsement on the certificate may be immediately and temporarily revoked by the campus Police Department when the conduct of a retired officer compromises public safety (Penal Code §2305(c)).

Temporary or permanent revocation must be based on a showing of good cause, which shall be determined at a hearing, as specified in Section 220.8 (Penal Code §26305(d)).

Notice of a temporary revocation shall be effective upon personal service or upon receipt of a notice that was sent by first-class mail, postage prepaid, return receipt requested, to the retiree's last known place of residence.

The retiree shall have 15 days to respond to the notification and request a hearing to determine if the temporary revocation should become permanent.

A retired officer who fails to respond to the notice of hearing within the 15 day period shall forfeit the right to a hearing and the authority of the officer to carry a firearm shall be permanently revoked. The retired officer shall immediately return the identification certificate to the issuing campus Police Department.

If a hearing is requested, good cause for permanent revocation shall be determined at a hearing as specified in Section 220.8. The hearing shall be held no later than 120 days after the request by the retired officer for a hearing is received.

A retiree may waive the right to a hearing and immediately return the identification certificate to the issuing campus Police Department.

219.8 REVIEW BOARD

Any hearing conducted under this Chapter shall be held before a three-member hearing board. One member of the board shall be selected by the Chief of Police of the issuing campus police department or their designee, and one member shall be selected by the retired officer or his or her employee organization. The third member shall be selected jointly by the Chief of Police or their designee and the retired officer or his or her employee organization (Penal Code §26320(a)).

Any decision by the board shall be binding on the department and the retired officer (Penal Code §26320(b)).

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A retired officer, when notified of the revocation of the privilege to carry a concealed and loaded firearm, after the hearing, or upon forfeiting the right to a hearing, shall immediately surrender to the issuing agency the officer's identification certificate (Penal Code §26325(a)). The issuing agency shall reissue a new identification certificate without an endorsement (Penal Code §26325(b)).

The issuing agency shall reissue a new identification certificate without an endorsement (Penal Code §26325(b)).

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force by members of this Department. 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 (Cal. Government Code § 7286).

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

Retaliation prohibitions for reporting suspected violations of this policy are located in the Anti-Retaliation Policy.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Active Resistance: intentionally and unlawfully opposing the lawful order of a peace officer in a physical manner. Physically evasive movements to defeat an officer's attempt at control, including but not limited to bracing, tensing, running away, or verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody.

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 (Cal. Penal Code § 835a).

Excessive force – A level of force is found to have violated the requirements of Penal Code § 835a, or any other applicable law or statute.

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 (Cal. Government Code § 7286(a)).

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person, except in the following situations:

- (a) When applying physical techniques or tactics to escort, direct movement, handcuff, restrain or search with no visible injury or complaint of injury to a compliant subject.
- (b) When applying a spit mask or spit hood on a subject to prevent spitting.
- (c) When applying of a firm grip control does not result in injury, the appearance of injury, or complaint of injury (e.g., the use of a grip to control a person's hands while searching or handcuffing)
- (d) When applying the use of physical techniques or tactics to assist an intoxicated person or a person with a physical disability that does not result in the appearance of injury, or complaint of injury (e.g., lifting an intoxicated person to a standing position).

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- (e) When applying physical techniques on a subject who is non-compliant exhibiting passive resistance (e.g., includes subjects who remain in a sitting, standing, or limp or prone positions without holding on to fixed objects or other persons in an attempt to delay or resist arrest).

Imminent - Pursuant to Cal. Penal Code § 835a(e)(2), a threat of death or serious bodily injury is imminent 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 peace officer or another person. Imminent harm, therefore, is not merely a fear of future harm, no matter how great the fear, and no matter how great the likelihood of the harm, but is one that, from a totality of the circumstances known to the officer at any given time, must be instantly confronted and addressed.

Intercede - Includes, but is not limited to, physical and/or verbal intervention to stop the excessive use of force when safe and reasonable to do so, recording the excessive force if equipped with a body-worn camera, notifying dispatch, notifying a supervisor and documenting all efforts to intervene.

Necessary - It is the intent of the Legislature that peace officers use deadly force only when necessary, in defense of human life and based on the totality of the circumstances of a particular situation. Necessity is based on the objectively reasonable standard established by *Graham v. Connor*, 490 U.S. 386 (1989).

Objectively Reasonable - The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application."

The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, an agency will examine all uses of force from an objective standard rather than a subjective standard.

Non-Compliant -The subject refuses to comply with officer's lawful commands or cooperate with an officer's directions. Includes passive resistance where subject uses dead weight to prevent being taken into custody. (e.g. includes subjects who remain in a sitting, standing, or limp or prone positions without holding on to fixed objects or other persons in an attempt to delay or resist arrest.

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 (Cal. Penal Code § 243(f)(4)).

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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 (Cal. 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.

300.2.1 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 (Cal. Government Code § 7286(b)). Refer to Bias-Based Policing Policy for additional guidance.

300.2.2 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 Cal. Government Code § 7286) to prevent the use of unreasonable force.

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

300.2.3 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 (Cal. Government Code § 7286(b)).

300.2.4 DUTY TO REPORT EXCESSIVE FORCE

Any officer who observes a law enforcement officer use force that potentially exceeds what the officer reasonably believes to be necessary, shall when safe and reasonable to do so report their observations to a supervisor (Cal. Government Code § 7286(b)).

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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 (Cal. Penal Code § 835a).

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

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

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

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

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

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

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

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

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

300.3.2 USE OF FORCE TO EFFECT AN ARREST

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

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Cal. 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 (Cal. Penal Code § 835a). Any other exigent circumstances.
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Cal. Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Cal. 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.

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- (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.

300.3.4 PAIN COMPLIANCE TECHNIQUES

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

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

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

300.3.5 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

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

300.3.6 RESTRICTIONS ON THE USE OF A CHOKE HOLD

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

300.3.7 ADDITIONAL RESTRICTIONS

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

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impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once the individual is safely secured, officers should promptly check and continuously monitor the individual's condition for signs of medical distress (Cal. Government Code § 7286.5).

300.3.8 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 UCRPD for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

When 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 (Cal. 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 (Cal. Government Code § 7286(b)).

The use of deadly force is only justified when the officer reasonably believes it is necessary in the following circumstances (Cal. 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 (Cal. 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

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an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Cal. Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer 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 (Cal. 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. (Cal. Government Code § 7286(b)).

If an 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, threatened use of force), firearms may be pointed in a manner reasonable for the situation. Once it is reasonably safe to do so, officers should carefully secure all firearms.

Drawing, displaying, or exhibiting a firearm in itself is not a use of force. However, when a firearm is drawn or exhibited to gain compliance from a subject, the circumstances shall be documented in a CAD, criminal, or incident report. The requirement to report the incident does not apply to a firearm kept at the low-ready or other positions where an officer does not intentionally point a firearm directly at an individual

300.5 REPORTING THE USE OF FORCE

Officers shall document any use of force promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why the officer believed the use of force was reasonable under the circumstances.

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 (Cal. 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 in regards to force used.

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- (e) Any application of a Conducted Energy Device or control device.
- (f) Any application of a restraint device that is not approved by the Department.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

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

300.5.2 REPORTING TO THE CALIFORNIA DEPARTMENT OF JUSTICE

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

300.6 MEDICAL CONSIDERATIONS

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

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

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

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITY

A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to Complete a Supervisor's Use of Force Report to include the following:

- (a) 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 medically examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her Miranda rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once initial medical assessment has been completed and/or treatment has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain from both the subject(s) and involved officer(s), as well as overall photographs of the involved subject(s) and officer(s). These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports and obtain a statement.
- (f) Review and approve all related reports to ensure thorough and accurate documentation of the use of force.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the use of force incident and document any violation of policy.

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

300.7.1 COMMAND LEVEL RESPONSIBILITY

The Chief of Police or designee shall assign a member of his or her command staff to review each use of force incident by any personnel within his or her command to ensure compliance with this policy and to address any training issues. The assigned command staff member is responsible

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for reviewing the Use of Force Report (e.g., Supervisor's Use of Force Review, crime and arrest reports, photographs, and/or other pertinent information). After final review, the Chief of Police or designee will ensure custody and storage of the Use of Force Report.

300.7.2 REASSIGNMENT FROM REGULAR DUTIES

Employees involved in a use of force or critical incident that results in the death or serious physical injury of another person may be reassigned from regular duties or temporarily placed on administrative leave pending a documented administrative review of the incident.

See the Personnel Complaints Policy for additional guidelines.

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 (Cal. Government Code § 7286(b)).

300.9 TRAINING

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

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

Training should also include (Cal. 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.

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 Patrol Services Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police by the end of February. The report should not contain the names of officers, suspects, or case numbers, and should include:

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

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300.11 POLICY REVIEW

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

300.13 PUBLIC RECORDS REQUEST

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

Use of Force Review Boards

302.1 PURPOSE AND SCOPE

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

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

302.2 POLICY

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

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

302.4 REVIEW BOARD

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

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

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

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

302.4.1 COMPOSITION OF THE BOARD

The Support Services Division Commander should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each division
- Commanding officer in the involved member's chain of command
- Training Sergeant

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- Non-administrative supervisor
- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

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

302.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

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The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

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

System-wide Response Team (SRT)

303.1 PURPOSE

The Systemwide Response Team (SRT) will prepare for, and professionally respond to unique situations and incidents that demand trained, equipped, experienced, and organized teams of sworn UC Police personnel beyond those resources available at one campus, as determined by the campus Chief of Police.

This document establishes the policies by which operations and services of the SRT will be conducted. Issues specifically not addressed in these policies will be handled in accordance with University Police Policies and Procedures and by the policies of the campus where the sworn officer is employed.

The SRT Activation Chart appended as Appendix A to this Chapter is to provide a visual reference for SRT activation. However, the policy itself in this Chapter shall prevail should there be any discrepancy.

303.2 MISSION STATEMENT

The mission of the University of California SRT is to maintain a trained team of sworn personnel with the skills and equipment readily available to assist local campuses to:

- (a) Facilitate and protect the Constitutional Rights of all persons;
- (b) Keep the peace and protect life and property;
- (c) Protect lawful activity while identifying and isolating unlawful behavior;
- (d) Provide dignitary protection; and
- (e) Provide training and other assistance when requested and appropriate.

303.3 COMPOSITION AND CHAIN OF COMMAND OF THE SRT

The composition and chain of command of the SRT shall be as follows:

303.4 THE UC COUNCIL OF CHIEFS

The UC Council of Chiefs is a duly constituted body consisting of the Chiefs of Police of the ten UC campuses. The Council meets on a regular basis for the purpose of establishing liaisons, reviewing University Police issues and promulgating policy and procedures through the office of Employee/Labor Relations. When requirements under law, including HEERA apply, the UC Council of Chiefs will comply with the provisions to meet and confer with the bargaining unit.

303.5 THE CHIEFS' LIASON

The Chiefs' Liaison will be appointed with consensus of the UC Council of Chiefs to provide general oversight and accountability to the SRT and will coordinate SRT deployment, regular reporting, program assessment, and liaison to the UC Council of Chiefs on behalf of the SRT. The UC Council of Chiefs will identify an alternate Liaison to act in the absence of the Chief's Liaison.

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System-wide Response Team (SRT)

303.6 SRT REGIONAL COORDINATORS

The SRT Regional Coordinators will be sworn police officers, generally of the rank of Captain or higher who report to the Chief's Liaison. The SRT Regional Coordinators are responsible for working with the Chief of Police or designee from the host UC campus to determine the appropriate deployment of SRT personnel. The SRT Coordinators may deploy as needed with the SRT personnel to serve as a liaison with the Police Incident Management Team of the host campus.

The SRT Coordinators are responsible for ensuring training compliance with this policy. Individual training records will be maintained by the campus training coordinator and be made available for review by the SRT Coordinators. The SRT Coordinators will maintain the training records of all SRT training including the lesson plans, attendance records, certificates of the trainers etc.

The SRT Coordinators are also responsible for maintaining deployment records, performance documents and summaries. They will also assist the host campus with debriefings and developing and submitting after-action reports.

The SRT Coordinators are also responsible for maintaining an itemized inventory of all equipment affiliated with the SRT. This information should be forwarded to the Chiefs' Liaison, so planning and budgetary issues can be addressed.

303.7 SRT COMMANDERS

The SRT Commanders will be sworn police officers, generally of the rank of Lieutenant of higher who report to the Regional Coordinators.

SRT Commanders may act as liaisons to the host Chief of Police or designee, or may be deployed in the field to coordinate tactical deployments of the SRT members. The SRT Commanders are responsible for providing assignments and direction to the SRT members, consistent with the mission provided by the host campus. In the absence of both SRT Coordinators, a Commander(s) may be assigned as acting SRT Coordinator(s).

The SRT Commanders are responsible for ensuring SRT members are properly equipped, are proficient with all assigned equipment and maintain their equipment in good working order. The SRT Commanders are also responsible for identifying, organizing and planning team training for all SRT members.

SRT Commanders will serve as mobile field force leaders. A mobile field force will be two or more squads.

303.8 SRT TEAMS AND SQUADS

The SRT will be deployed in team/squad formations. The squads will generally consist of two sergeants and ten officers; a team will generally consist of a sergeant and five officers. However, based on circumstances, and with consultation of an SRT Commander, personnel may be assigned to other duties to meet operational needs (e.g., grenadiers). A Sergeant will be the squad leader and report directly to the SRT Commander, unless temporarily reassigned to another command element. A squad or team leader may also be an Officer in Charge (OIC).

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303.9 SRT DEPLOYMENT

SRT deployment will be in accordance with Universitywide Police Policies and Procedures Chapter 13: Universitywide Mutual Aid

303.9.1 REQUESTS FOR SRT DEPLOYMENT

Requests for SRT deployment should be made by the host Chief of Police to the Chiefs' Liaison and both SRT Coordinators, using the Universitywide Mutual Aid Request Form. The Chiefs' Liaison will assist and be responsible to the host Chief of Police for coordinating the deployment of the SRT personnel/equipment, and make notifications to additional campus Chiefs as necessary.

303.9.2 SUPERVISION AND COMMAND

Supervision and command of the SRT is the responsibility of the host campus Chief of Police or designee. Upon arrival to the host campus, the SRT Coordinator or Commander should report directly to the host campus Chief of Police or designee for assignment and instructions.

303.10 SRT SELECTION PROCESS

It is the desire of the UC Chiefs of Police to organize and staff the SRT with personnel that demonstrate an interest and aptitude in the SRT concept and who have shown satisfactory work performance. Appointment to the SRT is done through a selection process and the time and duration of the appointment is the discretion of the individual member's Chief of Police. Performance and participation on the SRT shall be reviewed annually. After completing the duration of appointment, the member may reapply. The selection process remains a campus responsibility based on a competitive selection process. The criterion for application and selection is set forth in section 303.10.

303.10.1 SRT COORDINATORS

The SRT Coordinators will be sworn police officers, generally of the rank of Captain or higher who are selected by the UC Council of Chiefs. There will be two SRT Coordinators, one from each region (North and South), who serve at the discretion of the UC Council of Chiefs. Interested command officers shall obtain approval from their Chief of Police to be an SRT Coordinator and submit a letter of interest to the Chiefs' Liaison. SRT Coordinators are selected by the UC Council of Chiefs.

303.10.2 SRT COMMANDERS

The SRT Commanders will be sworn police officers, generally of the rank of Lieutenant or higher. Interested command officers shall submit a letter of interest to their Chief of Police, which upon approval, shall be forwarded to the Chiefs' Liaison for consideration. SRT Commanders are selected by the Chiefs' Liaison with the recommendation of the SRT Coordinator in their region. Generally, there shall be a minimum of six SRT Commanders.

The SRT Commanders will serve at the discretion of the Chiefs' Liaison and the members' campus Chief of Police.

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303.10.3 SRT SERGEANTS AND OFFICERS

The Chief of Police for the SRT members' campus will identify how many members of the department should be assigned to the SRT. SRT candidates will be selected by the SRT members' campus Chief of Police and command staff. Each campus will strive to commit at least twenty percent of their sworn personnel work force as SRT members.

Each campus will conduct a selection process for the SRT members from the department. The process should include a command level review of the applicants' qualifications, a supervisory recommendation, and a review of the SRT applicants' performance evaluations.

303.10.4 MINIMUM PROCESS FOR SELECTION OF SERGEANTS AND OFFICERS

Applying members should refer to their campus Police Department's selection process which should minimally include:

- (a) Letter of interest to include relevant experience and training;
- (b) Supervisor feedback as determined by the Chief;
- (c) Completion of probation.

303.10.5 MINIMUM QUALIFICATIONS OF SERGEANTS AND OFFICERS

Minimum qualifications include:

- (a) Three years of sworn experience with one of those years at a UC campus police department;
- (b) Experience and training in crowd management and control tactics;
- (c) Completion of probation;
- (d) No sustained findings of excessive/unreasonable use of force;
- (e) Training in de-escalation, Crisis Intervention Training and Mental Health;
- (f) Knowledge of the 1st Amendment.

Current in all required certifications (for example: Mental Health, First Aid/CPR, De-Escalation and Crisis Intervention Training).

303.10.6 REVIEW AND SELECTION

Review, selection, and final approval of the team members will rest with the Chiefs' Liaison in consultation with the SRT Coordinators. SRT Sergeants and Officers serve at the discretion of their Campus Chief of Police, the Chiefs' Liaison, and the SRT Regional Coordinator.

Failure to be selected as a member of SRT, is not grievable.

303.10.7 SRT PERSONNEL COMPENSATION

The Council of Chiefs has established SRT as a specialty assignment at all campuses owing to members' ongoing specialized training and commitment to respond to systemwide incidents and events. SRT specialty compensation for officers is established in the PA contract. SRT specialty compensation rate for non-represented sworn personnel (i.e., Sergeants, Lieutenants, Captains,

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Assistant Chiefs, and Chiefs of Police) shall be established, for application uniformly, by the Council of Chiefs and reviewed at least annually by the Council.

303.11 TRAINING

Training is an essential part of SRT operations and a fundamental responsibility of every member of SRT. All training, training instructors and training curriculum shall be approved by the UC Council of Chiefs. All training shall be thoroughly documented.

303.11.1 PHYSICAL FITNESS

SRT members should note the importance of staying physically fit. It is reasonable to assume that SRT training or deployments may involve actions such as:

- (a) Running;
- (b) Properly executing squad movements or formations;
- (c) Standing for long periods of time;
- (d) Properly perform various arrest or rescue techniques;
- (e) The ability to use or retain duty weapons in a manner consistent with policy;
- (f) Maintaining discipline and professionalism in a stressful environment.

303.11.2 AREAS OF TRAINING

SRT training shall be based on a thorough assessment of the knowledge, skills, and abilities that SRT members need to possess in order to accomplish the missions of SRT. SRT Commanders are responsible for developing training guidelines in the following areas:

- (a) Tactical Communication;
- (b) Use of Force;
- (c) Crowd Management;
- (d) Intervention Strategies;
- (e) Dignitary Protection;
- (f) Incident Command System;
- (g) Arrest Techniques;
- (h) Authorized Equipment and Tools;
- (i) Relevant Case Law;
- (j) Command Level and Situational Awareness Training;
- (k) Other Contemporary Best Practices.

303.11.3 APPROVED LESSON PLANS

SRT training shall contain a curriculum based on approved lesson plans taught by approved, certified or expert instructors, hourly schedules, learning objectives, and performance-based testing.

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303.11.4 ANNUAL TRAINING PLAN

SRT Coordinators shall set forth an annual training plan and schedule. The plan and schedule shall be distributed to the Chiefs' Liaison for review.

303.11.5 REMOVAL FOR LACK OF ATTENDANCE

SRT members are required to attend mandatory training and participate in SRT call-outs unless excused by their Chief of Police. A recommendation to remove a SRT member who has a pattern of absences will be made by the Chiefs' Liaison to the member's campus Chief of Police who will address the issue.

303.11.6 CONSISTENT SYSTEMWIDE TRAINING

SRT Training shall be consistent systemwide, conforming to best practices and following POST guidelines on crowd management. Mandatory SRT training for all members should occur twice a year as scheduled. If an SRT member misses both mandatory training days within a calendar year, the SRT member may be removed from SRT. Each campus is encouraged to schedule two additional SRT training days at their campus, for their officers, each calendar year.

303.12 EQUIPMENT

The SRT will be supplied with equipment approved by the UC Council of Chiefs. The Chiefs' Liaison with the assistance of the SRT Coordinators and SRT Commanders, will recommend the equipment to be utilized by the members of the SRT. The SRT Commanders and Sergeants will ensure that all equipment is periodically inspected and ready for field use prior to deployment of the SRT. SRT equipment, tools and their use shall be evaluated at least annually. SRT members are required to train with issued equipment at every scheduled training event.

303.12.1 ISSUANCE OF EQUIPMENT

SRT Sergeants and Officers will use their department issued equipment and its deployment will be authorized based on their particular assignment. Replacement equipment or newly issued equipment is purchased by the individual member's department. Each SRT member will be issued:

1. Helmet with face shield and 36" baton;
2. Gas mask with extra filter and mask carrier;
3. Soft riot armor;
4. Flex cuffs with officer's badge number on the cuffs;
5. Peltor headset;
6. Additional equipment as deemed necessary by the Council of Chiefs.

303.12.2 DEPLOYMENT OF EQUIPMENT

A. Weapons:

1. Kinetic Energy Projectiles
2. Chemical Agents

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B. Non-Weapons:

1. Backpack with first aid equipment
2. Arrest Kits
3. Specialized equipment for defeating protest devices
4. Bullhorns/LRAD
5. Gloves

303.12.3 DISCRETION OF HOST CAMPUS CHIEF

The use of SRT weapons will remain at the discretion of the host campus Chief or designee and deployment conditions, use, or restrictions shall be clearly noted in the Operations Plan. Whenever practicable, the host campus Chief or designee should discuss the use of SRT weapons with SRT Commander(s) before deployment. SRT personnel will not be prevented from carrying and/or using non-SRT weapons that have been issued or approved by their home campus.

303.12.4 APPROVAL OF EQUIPMENT

No equipment will be used by any member of the SRT unless the equipment has been approved by the UC Council of Chiefs and the officer has received the proper training to utilize the equipment and the training is documented.

303.13 INCIDENT COMMAND SYSTEM

During a SRT call out and prior to the team's arrival, the host agency is expected to manage the response to critical incidents using the principles of the Incident Command System. To the extent possible, written operations plans shall be supplied in advance to SRT Commanders by the host campus and written on ICS compliant forms.

The host campus is responsible for debriefing, developing and submitting the after-action reports, including a summary of SRT resources used for the event, to the Chiefs' Liaison within thirty days, where practical.

Standardized operations plans and after-action reports will be used by all campuses and should minimally include summary of the events, significant actions taken, training needs identified, and equipment needs identified with associated costs.

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303.13.1 APPENDIX A

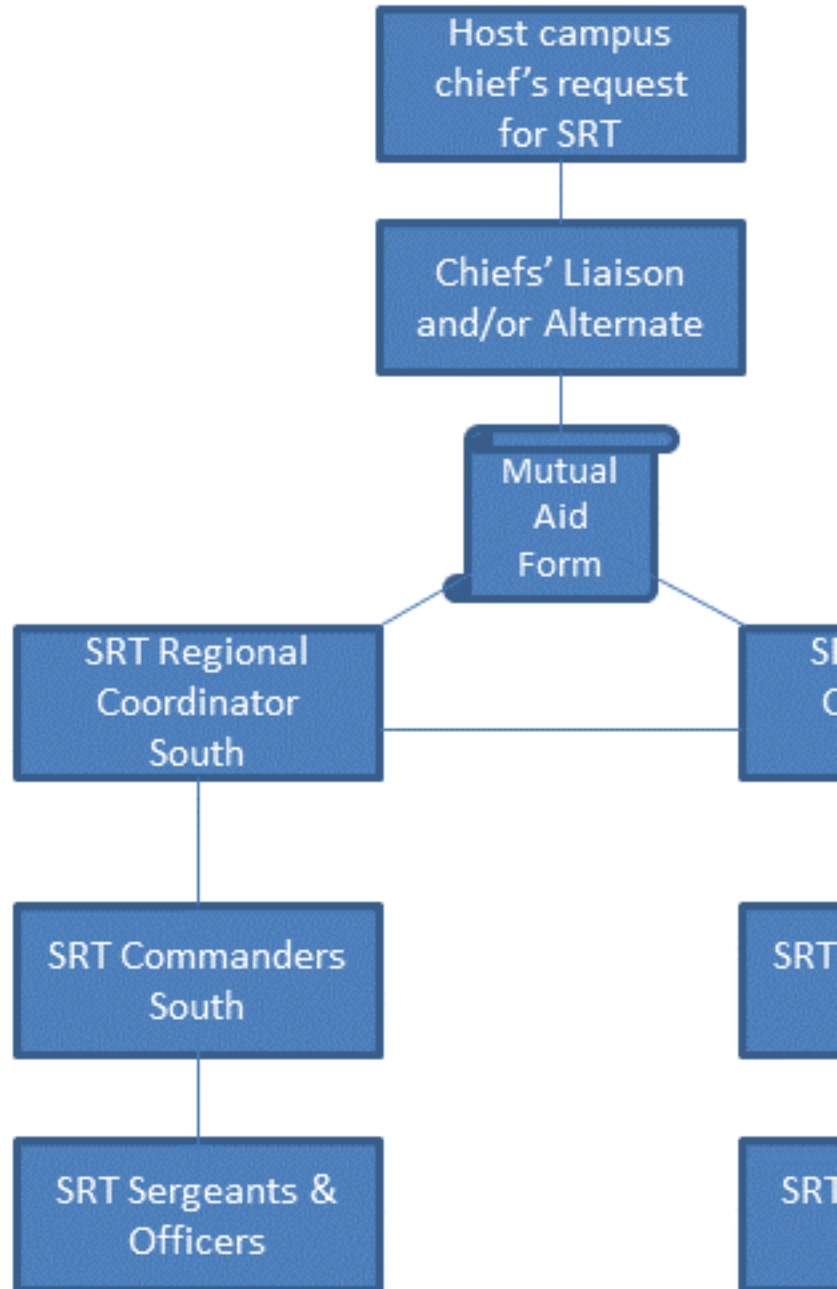
**SRT Deployment Procedure
Policy 1604**

- Requests for SRT deployment are made by the host campus to Chiefs' Liaison and SRT Coordinators.
- Requests for SRT deployment are made using the mutual aid request form by the host Chief.
- The Chiefs' liaison will assist with and be responsible to the host Chief for coordinating the deployment of SRT personnel/equipment.

SRT Roles & Responsibilities

- Policy 1603.1-Chief's Liaison
- Policy 1603.2-SRT Regional Coordinators
- Policy 1603.3-SRT Commanders
- Policy 1603.4-SRT Sergeants & Officers

SRT ACTIVATION CHART



Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

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

306.2 POLICY

The UC Riverside 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.

306.3 USE OF RESTRAINTS

Only members who have successfully completed UC Riverside 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.

306.3.1 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.

306.3.2 RESTRAINT OF PREGNANT PERSONS

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

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

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

306.3.3 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.

306.3.4 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.

306.4 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. Except in articulable circumstances which would warrant otherwise, 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.

306.5 APPLICATION OF SPIT HOODS

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

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

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

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

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

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

306.6 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.

306.7 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).

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

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

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

306.8 REQUIRED DOCUMENTATION

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

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

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

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

306.9 TRAINING

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

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of 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

308.1 PURPOSE AND SCOPE

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

308.2 POLICY

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

308.3 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. All training shall be documented by the department range master, and shall be provided by a certified weapons instructor, or defensive tactics instructor, depending on the device. All officers shall demonstrate proficiency in the use of any weapons issued/authorized before issuance.

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.

308.4 RESPONSIBILITIES

308.4.1 WATCH COMMANDER RESPONSIBILITIES

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

308.4.2 RANGEMASTER RESPONSIBILITIES

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

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

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308.4.3 USER RESPONSIBILITIES

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

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

308.5 BATON GUIDELINES

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

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

308.6 TEAR GAS GUIDELINES

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

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

308.7 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.

308.7.1 OC SPRAY

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

308.7.2 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

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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.

308.7.3 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.

308.8 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.

308.9 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.

308.9.1 DEPLOYMENT AND USE

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

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

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

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- (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.

308.9.2 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.

308.9.3 SAFETY PROCEDURES

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

Officers will inspect the shotgun 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.

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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.

308.10 TRAINING FOR CONTROL DEVICES

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

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

308.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Conducted Energy Device

309.1 PURPOSE AND SCOPE

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

309.2 POLICY

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

309.3 ISSUANCE AND CARRYING CEDS

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

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

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

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

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

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

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

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

309.3.1 USER RESPONSIBILITIES

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

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

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309.4 VERBAL AND VISUAL WARNINGS

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

The purpose of the warning is to:

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

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

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

309.5 USE OF THE CED

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

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

309.5.1 APPLICATION OF THE CED

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

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

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

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

309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

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

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

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

309.5.3 TARGETING CONSIDERATIONS

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

309.5.4 MULTIPLE APPLICATIONS OF THE CED

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

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

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

309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

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

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should be submitted into evidence. Photographs of the location and distribution of confetti tags (if equipped) shall be taken to document the location from which the CED was discharged. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

309.5.6 DANGEROUS ANIMALS

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

309.5.7 OFF-DUTY CONSIDERATIONS

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

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

309.6 DOCUMENTATION

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

309.6.1 CED REPORT FORM

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

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

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The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of CED device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

309.6.2 REPORTS

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

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

309.7 MEDICAL TREATMENT

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

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

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

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

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

309.8 SUPERVISOR RESPONSIBILITIES

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

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

309.9 TRAINING

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

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

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

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

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

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

The Training Sergeant should include the following training:

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

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- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

Officer-Involved Shootings and Deaths

310.1 PURPOSE AND SCOPE

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

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

310.2 TYPES OF INVESTIGATIONS

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

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

310.3 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.

310.3.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the UC Riverside Police Department would control the investigation if the suspect's crime occurred on the property of the University of California, Riverside.

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

310.3.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

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

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

310.3.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

310.4 INVESTIGATION PROCESS

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

310.4.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting, the first uninvolved UCRPD 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.

310.4.2 WATCH COMMANDER RESPONSIBILITIES

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

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

310.4.3 NOTIFICATIONS

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

- Chief of Police
- Support Services Division Commander
- Riverside County Sheriff's Department Force Investigations Detail (FID)
- Operations Division Commander
-
- Psychological/Peer support personnel
- Coroner (if necessary)
- Officer representative (if requested)

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

310.4.4 SUPERVISOR RESPONSIBILITIES

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

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any UCRPD 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 UCRPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved UCRPD officer should be given an administrative order not to discuss the incident with other involved officers or UCRPD members pending further direction from a supervisor.
 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

310.4.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 1. Involved UCRPD 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-UCRPD officers should be referred to their employing agency.

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

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

Each involved UCRPD 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.

310.4.6 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).

310.5 CRIMINAL INVESTIGATION

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

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

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

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

310.5.1 REPORTS BY INVOLVED UCRPD OFFICERS

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

310.5.2 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.

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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.

310.5.3 INVESTIGATIVE PERSONNEL

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

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

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

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

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening when there is reasonable suspicion of impairment. Absent consent from the officer, such compelled

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samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
 - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
 - 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 - 5. The Professional Standards Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 - 6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
 - 7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

310.7 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

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Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or Campus Counsel's Office, as appropriate.

310.8 CIVIL LIABILITY RESPONSE

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

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

310.9 DEBRIEFING

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

310.9.1 TACTICAL DEBRIEFING

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

310.10 MEDIA RELATIONS

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

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

310.11 REPORTING

If the death of an individual occurs in the UC Riverside Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Patrol Division

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Commander will ensure that the Records Manager is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

Firearms

312.1 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.

312.2 POLICY

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

312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the 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.

312.3.1 HANDGUNS

The issued handgun is the Glock Model 17. A member may carry a personally owned Glock Model 17 or 19 pursuant to Policy 312.3.4.

312.3.2 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.

312.3.3 PATROL RIFLES

The authorized department-patrol rifle is the Colt AR-15 .223. Personally owned rifles of a licensed manufacturer may be carried for field duty after an inspection by the department Rangemaster or a member of the range staff and the officer has qualified with the weapons during rifle qualifications. The only authorized rifle is the one that is owned and issued by the department or personally

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owned rifle that is approved by a member of the range staff. Personally owned rifles shall be an AR-15 type (5.56 mm x 45 mm). Only department issued duty ammunition shall be used with personally owned rifles. No modifications shall be made to a personally owned rifle without prior authorization from the Rangemaster. Under no circumstances should the original factory sights be removed. Any additional sighting systems shall be inspected and approved by a member of the range staff.

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

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

312.3.4 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 inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (b) 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.
- (c) Members shall provide written notice of the make, model,, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

312.3.5 AUTHORIZED SECONDARY HANDGUN

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

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- (a) The handgun shall be in good working order and approved by the department rangemaster.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase and maintenance of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (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, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

312.3.6 AUTHORIZED OFF-DUTY FIREARMS

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

- (a) The member may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
 - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried.
- (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.

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- (f) Members shall provide written notice of the make, model, 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 hollow point ammunition from a licensed manufacturer.
- (i) When armed, officers shall carry their UCR Police identification card.

312.3.7 AMMUNITION

Members shall carry only department-authorized ammunition while on duty. 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.

312.4 EQUIPMENT

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

312.4.1 REPAIRS OR MODIFICATIONS

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

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.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense.

312.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members while on duty and in uniform. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

312.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on 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.

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312.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on 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.

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

312.5 SAFE HANDLING, INSPECTION AND STORAGE

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

- (a) Members shall not place or store any firearm 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.
- (b) Any firearm authorized by the Department to be carried on 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.

312.5.1 INSPECTION AND STORAGE

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

312.5.2 STORAGE AT HOME

Members shall ensure that all firearms are properly secured 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).

312.5.3 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.

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312.5.4 STORAGE IN VEHICLES

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

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

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

312.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify once per calendar year with off-duty and secondary firearms. All training shall be documented by the department range master, and shall be provided by a certified weapons instructor. All officers shall demonstrate proficiency in the use of any weapons issued/authorized before issuance.

312.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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

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

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

312.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and

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Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

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

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift if possible.
- (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, if possible.
- (c) Members shall be afforded rights pursuant to the Public Safety Officers Procedural Bill of Rights Act (POBAR).

312.7.1 DESTRUCTION OF ANIMALS

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

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

312.7.2 INJURED ANIMALS

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

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

312.7.3 WARNING AND OTHER SHOTS

Warning shots - a gunshot fired into the air or nearby object, intended to be harmless but used to call attention demand some specific action of compliance - shall not be used.

312.8 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

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attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any member to sign in and out with the 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.

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

312.9 FLYING WHILE ARMED

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their UC Riverside 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 UC Riverside Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the UC Riverside 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

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his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

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

312.10 CARRYING FIREARMS OUT OF STATE

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

- (a) The officer shall carry his/her UC Riverside Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action by the agency which could result in suspension or loss of police powers.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

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.

Vehicle Pursuits

314.1 PURPOSE AND SCOPE

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

314.1.1 DEFINITIONS

Blocking - A low-speed tactic where one or more authorized police department emergency vehicles intentionally restrict the movement of a suspect vehicle, with the goal of containment or preventing a pursuit. Blocking is not boxing in or a roadblock.

Boxing-in - A tactic designed to stop a suspect's moving vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

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

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

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

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

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

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

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

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

314.2 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code

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§ 21055. Officers are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

314.2.1 WHEN TO INITIATE A PURSUIT

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

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

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

314.2.2 WHEN TO TERMINATE A PURSUIT

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

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

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

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

314.2.3 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 should take into consideration public safety, officer safety, and the safety of the occupants of the fleeing vehicle.

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

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

314.3 PURSUIT UNITS

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable

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

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

314.3.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

314.3.2 PRIMARY UNIT RESPONSIBILITIES

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

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

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

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

314.3.3 SECONDARY UNIT RESPONSIBILITIES

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

- (a) Immediately notifying the dispatcher of entry into the pursuit.

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

314.3.4 PURSUIT DRIVING

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

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

314.3.5 PURSUIT TRAILING

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

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314.3.6 AIR SUPPORT ASSISTANCE

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

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

314.3.7 UNITS NOT INVOLVED IN THE PURSUIT

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

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

314.4 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

- (a) Immediately notifying involved unit and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Watch Commander is notified of the pursuit as soon as practicable.

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- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing UC Riverside Police Department units when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit.
 - 1. Supervisors should initiate follow up or additional review when appropriate.

314.4.1 WATCH COMMANDER RESPONSIBILITIES

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

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

314.5 COMCENTER

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

314.5.1 COMCENTER RESPONSIBILITIES

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

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved units and personnel.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notify the Watch Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

314.5.2 LOSS OF PURSUED VEHICLE

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

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314.6 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.

314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

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

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

Assistance to a pursuing allied agency by officers of this department will terminate at the University 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.

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

314.7 WHEN PURSUIT INTERVENTION IS AUTHORIZED

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

314.7.1 USE OF FIREARMS

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

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

314.7.2 INTERVENTION STANDARDS

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

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

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

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3. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the technique will terminate or prevent the pursuit. Roadblocks may be used only under circumstances when deadly force would be authorized.
5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

314.7.3 CAPTURE OF SUSPECTS

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

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

314.8 REPORTING REQUIREMENTS

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

- (a) The primary officer should complete appropriate crime/arrest reports.
- (b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.
- (c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum should include, at a minimum:
 1. Date and time of pursuit.
 2. Initial reason and circumstances surrounding the pursuit.
 3. Length of pursuit in distance and time, including the starting and termination points.
 4. Involved units and officers.
 5. Alleged offenses.
 6. Whether a suspect was apprehended, as well as the means and methods used.
 7. Any use of force that occurred during the vehicle pursuit.

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- (a) Any use of force by a member should be documented in the appropriate report (See the Use of Force Policy).
- 8. Any injuries and/or medical treatment.
- 9. Any property or equipment damage.
- 10. Name of supervisor at scene or who handled the incident.
- (d) After receiving copies of reports, logs, and other pertinent information, the Chief of Police or the authorized designee should conduct or assign the completion of a post-pursuit review.

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

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

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

314.8.2 POLICY REVIEW

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

314.9 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.

314.10 POLICY

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

Officer Response to Calls

316.1 PURPOSE AND SCOPE

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

316.2 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.

316.3 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

316.3.1 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).

316.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify the Communications Center. Generally, only one unit should respond 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.

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316.5 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.

316.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Watch Commander or a field supervisor prior to assigning units Code-3 . The dispatcher shall:

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

316.7 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

316.8 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.

Domestic Violence

320.1 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.

320.1.1 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.

320.2 POLICY

The UC Riverside 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.

320.3 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.

320.4 INVESTIGATIONS

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

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

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

320.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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

320.4.2 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.

320.5 VICTIM ASSISTANCE

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

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

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

320.6 DISPATCH ASSISTANCE

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

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

320.7 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).

320.8 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.

320.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

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

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320.10 REPORTS AND RECORDS

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

320.11 RECORD-KEEPING AND DATA COLLECTION

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

320.12 SERVICE OF COURT ORDERS

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

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1. An officer should ensure that the Records Section is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Section Policy for additional guidance).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

320.13 PUBLIC ACCESS TO POLICY

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

320.14 DECLARATION IN SUPPORT OF BAIL INCREASE

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

320.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM

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

Search and Seizure

322.1 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 UC Riverside Police Department personnel to consider when dealing with search and seizure issues.

322.2 POLICY

It is the policy of the UC Riverside 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.

322.3 SEARCHES

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

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

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

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

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

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

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322.4 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.

322.5 DOCUMENTATION

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

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

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

Evidence Collection

323.1 PURPOSE AND SCOPE

This policy shall establish guidelines and procedures for identifying, collecting and preserving evidence, including at crime scenes.

See also 802 - Property and Evidence

323.2 POLICY

It is the policy of the University of California, Riverside Police Department to ensure that crime scenes are processed thoroughly and that evidence is properly collected to ensure its integrity and aid in the prosecution of offenders.

323.3 DEFINITIONS

Major Crime Scene - A location for which there is probable cause to believe it contains evidence of a violent felony, an extensive or significant felony property crime, or another serious and notable crime that occurred there.

323.4 FACILITATING EVIDENCE COLLECTION

Generally, the designated case officer (or lead detective) is responsible for identifying evidence and facilitating any necessary collection of evidence at the scene of a crime, and as otherwise needed during the course of a criminal investigation.

When evidence collection is necessary at a major crime scene, or whenever the skill required for evidence collection exceeds the capacities of the designated case officer (or lead detective), the case officer (or lead detective) should consult with their supervisor to determine if additional evidence collection resources should be requested.

323.5 EVIDENCE COLLECTION PROCEDURES

Specific methods, techniques and procedures used for evidence collection and processing crime scenes should be performed in a manner consistent with those described in Learning Domain 30 of the Basic Course Workbook Series (v. 5.0, California Commission on Peace Officer Standards and Training), or a newer reference standard if approved by POST.

See attachment: [LD_30_V-5.0.pdf](#)

Upon the collection of evidence, any department member who maintains or subsequently accepts custody of that evidence is responsible to take reasonable steps to safeguard that evidence from loss, damage, or contamination, and to maintain and document an unbroken chain of custody to ensure admissibility of that evidence in a court of law.

(See 807.5 and 807.5.1 for information on Digital Evidence.)

323.5.1 PROCEDURES SPECIFIC TO TRAFFIC COLLISION INVESTIGATIONS

Evidence collection techniques and procedures which are specific to the investigation of traffic collisions should be performed in a manner consistent with those described in the most

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recent version of Learning Domain 29 of the Basic Course Workbook Series (v. 3.1, California Commission on Peace Officer Standards and Training), and in the California Highway Patrol Collision Investigation Manual (CIM).

See attachment: [LD_29_V-3.1.pdf](#)

323.6 MAJOR CRIME SCENE CONSIDERATIONS

When a major crime scene is discovered, the relevant supervisor shall notify the Field Operations Division Commander.

After any immediate threats or hazards have been mitigated and any necessary medical aid has been rendered, officers at a major crime scene shall take steps to secure the area (utilizing natural barriers, personnel and/or crime scene tape as needed) and to limit entrance to necessary persons only. One officer or another department member should be designated to document the names and times of those who enter and exit the scene.

Refer to the Crime and Disaster Scene Integrity policy for additional guidance on securing major crime scenes before and during collection of evidence.

323.6.1 MAJOR CRIME SCENE PROCESSING

The processing of a major crime scene should include the following elements:

- (a) A preliminary scene survey for identification of potential hazards and evidence.
- (b) Photographs and/or video recording the condition of the scene and all evidence at the time of collection.
- (c) If beneficial for investigatory purposes, a sketch and/or diagram of the scene (including locations of discovered evidence).
- (d) Systematic identification, collection and packaging of physical, trace and/or biological evidence that may be present.
- (e) A list and description of all collected evidence.

The specific methods for each of these elements should be in a manner consistent with established and applicable law, policy, procedures, and training.

323.7 BOOKING EVIDENCE

The designated case officer (or lead detective), their supervisor, and any other department members collecting evidence are responsible to ensure that all collected evidence is handled, packaged and booked according to established standards and procedures.

Refer to the Property and Evidence policy and the Computers and Digital Evidence policy for additional guidance on handling, packaging and booking certain types of collected evidence.

323.8 DOCUMENTATION

The designated case officer (or lead detective), their supervisor and any other department members collecting evidence are responsible to ensure that all crime scene and traffic collision scene processing and evidence collection is properly documented according to established

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standards and procedures. All evidence collected shall be documented in the report by the officer(s) who conducted the evidence collection.

323.9 EQUIPMENT AND SUPPLIES

The Criminal Investigations Bureau (CIB) supervisor is responsible to ensure that appropriate evidence equipment and supplies are available for use by detectives, field personnel, and any other department member responsible for evidence processing, as needed.

323.10 TRAINING

The department Training Coordinator is responsible to ensure that all officers and other department members responsible to perform evidence collection are provided the appropriate information and training to fulfill this expectation within the scope of their routine duties.

323.11 OUTSIDE AGENCY ASSISTANCE

The Support Services Division Commander is responsible for establishing agreements with outside agencies to ensure sufficient and qualified evidence collection resources are available to assist UCRPD personnel at any time of day or night, if needed.

When necessary for assistance with a major crime scene, or when the skill required for evidence collection exceeds the capacities of available department members, the relevant supervisor should seek approval from the Field Operations Commander to request aid from an outside agency with the capacity to provide necessary evidence collection services.

For traffic collisions involving multiple and/or significant injuries, and traffic collisions involving department members that result in injury or significant damage, the relevant supervisor should contact the Support Services Division Commander for consideration of requesting the California Highway Patrol for assistance with the collision investigation and any related evidence collection.

Temporary Custody of Juveniles

324.1 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 UC Riverside Police Department (34 USC § 11133).

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

324.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

Examples of secure custody include:

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

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

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

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

324.2 POLICY

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

324.3 JUVENILES WHO SHOULD NOT BE HELD

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

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

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

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

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

324.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

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

324.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

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

324.4 CUSTODY OF JUVENILES

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

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

324.4.1 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 UC Riverside Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

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

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324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

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

324.4.3 CUSTODY OF JUVENILE OFFENDERS

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

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

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

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

In all other cases the juvenile offender may be:

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

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

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

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324.5 ADVISEMENTS

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

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

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

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

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

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

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324.7 NO-CONTACT REQUIREMENTS

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

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

324.8 TEMPORARY CUSTODY REQUIREMENTS

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

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

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

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

324.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the UC Riverside Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

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

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

324.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the UC Riverside 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 UC Riverside Police Department.

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324.11 SECURE CUSTODY

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

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

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

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

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

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

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

324.11.1 LOCKED ENCLOSURES

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

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

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

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

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

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

- (a) Immediate notification of the on-duty supervisor, Chief of Police, and Investigative Services 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 University 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.

324.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

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

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

324.13.1 MANDATORY RECORDINGS OF JUVENILES

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

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

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

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

324.14 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting officer's supervisor, or in the supervisor's absence, the Watch Commander.

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Any juvenile 14 years of age or older who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Watch Commander or the Investigative Bureau supervisor, giving due consideration to the following:

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

324.15 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 UC Riverside Police Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

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

324.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Patrol Division Commander shall coordinate the procedures related to the custody of juveniles held at the UC Riverside Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

324.17 TRAINING

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

Senior and Disability Victimization

326.1 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 UC Riverside Police Department members as required by law (Penal Code § 368.6).

The UC Riverside 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).

326.1.1 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.

326.2 POLICY

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

326.2.1 ADHERENCE TO POLICY

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

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

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

326.2.2 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).

326.3 INVESTIGATIONS AND REPORTING

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

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

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

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

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

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

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

326.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

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

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

326.4 QUALIFIED INVESTIGATORS

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

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

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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.

326.5 MANDATORY NOTIFICATION

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

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

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

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

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- (f) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- (g) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).
 - 1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
- (h) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).
- (i) When the Department receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

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

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

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

326.5.1 NOTIFICATION PROCEDURE

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

- (a) The name of the person making the report.
- (b) The name and age of the elder or dependent adult.
- (c) The present location of the elder or dependent adult.
- (d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
- (e) The nature and extent of the condition of the elder or dependent adult.
- (f) The date of incident.

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- (g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

326.6 PROTECTIVE CUSTODY

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

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

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

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

326.6.1 EMERGENCY PROTECTIVE ORDERS

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

326.6.2 VERIFICATION OF PROTECTIVE ORDER

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

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

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

326.7 INTERVIEWS

326.7.1 PRELIMINARY INTERVIEWS

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

326.7.2 DETAINING VICTIMS FOR INTERVIEWS

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

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

326.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

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

326.8 MEDICAL EXAMINATIONS

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

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

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326.9 DRUG-ENDANGERED VICTIMS

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

326.9.1 SUPERVISOR RESPONSIBILITIES

The Investigative Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community specific procedures for responding to situations where there are 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 Investigative Bureau supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

326.9.2 OFFICER RESPONSIBILITIES

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

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

326.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

326.10.1 RECORDS SECTION RESPONSIBILITIES

The Records Section is responsible for:

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

326.11 JURISDICTION

The UC Riverside 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).

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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.

326.12 TRAINING

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

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

326.12.1 MANDATORY TRAINING

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

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

The Training Sergeant 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)).

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326.13 RELEVANT STATUTES

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

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

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

Penal Code § 368 (c)

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

Penal Code § 368 (f)

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

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

Welfare and Institutions Code § 15610.05

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

Welfare and Institutions Code § 15610.06

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

Welfare and Institutions Code § 15610.30

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

Welfare and Institutions Code § 15610.43

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

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

Welfare and Institutions Code § 15610.57

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

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

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

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

326.14 CHIEF OF POLICE RESPONSIBILITIES

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

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

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

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

326.15 ELDER AND DEPENDENT ADULT ABUSE LIAISON

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

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

Discriminatory Harassment

328.1 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.

328.2 POLICY

The UC Riverside 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.

328.3 DEFINITIONS

Definitions related to this policy include:

328.3.1 DISCRIMINATION

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

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

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

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328.3.2 SEXUAL HARASSMENT

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

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

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

328.3.3 ADDITIONAL CONSIDERATIONS

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

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

328.3.4 RETALIATION

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

328.4 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 Assistant Vice Chancellor, or the Associate Chancellor.

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.

328.4.1 SUPERVISOR RESPONSIBILITIES

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

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

328.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

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

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

328.4.3 QUESTIONS OR CLARIFICATION

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

328.5 INVESTIGATION OF COMPLAINTS

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

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

328.5.1 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. A member's reluctance to express dissatisfaction with perceived inappropriate behavior, directly to the alleged offending individual, will have no affect on the manner in which the department proceeds with investigation of the matter.

328.5.2 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 Assistant Vice Chancellor, or the Associate Chancellor.

328.5.3 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.

328.6 DOCUMENTATION OF COMPLAINTS

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

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- (a) Approved by the Chief of Police, the Associate Chancellor, or the Assistant Vice Chancellor, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the department's established records retention schedule.

328.6.1 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.

328.7 TRAINING

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

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

328.7.1 STATE-REQUIRED TRAINING

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

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

If the required training is to be provided by the Civil Rights Department online training courses, the Training Sergeant should ensure that employees are provided the following website address to the training course: <https://calcivilrights.ca.gov> (Government Code § 12950; 2 CCR 11023).

328.7.2 TRAINING RECORDS

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

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328.8 WORKING CONDITIONS

The Support 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 University employees who are similarly tasked (2 CCR 11034).

328.9 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

330.1 PURPOSE AND SCOPE

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

330.1.1 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).

330.2 POLICY

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

330.3 MANDATORY NOTIFICATION

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

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

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

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

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

330.3.1 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.

330.4 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).

330.5 INVESTIGATIONS AND REPORTING

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

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

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

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

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

330.5.1 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).

330.5.2 INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER

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

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

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

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330.6 PROTECTIVE CUSTODY

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

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

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

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

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

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

330.6.1 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.

330.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

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

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

330.7 INTERVIEWS

330.7.1 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.

330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

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

330.7.3 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

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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).

330.8 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.

330.9 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.

330.9.1 SUPERVISOR RESPONSIBILITIES

The Investigative Bureau supervisor should:

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

330.9.2 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 Investigative Bureau supervisor so an interagency response can begin.

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330.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

330.10.1 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).

330.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

330.10.3 CACI HEARING OFFICER

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

330.10.4 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).

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

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

330.10.5 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).

330.11 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

332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

332.1.1 DEFINITIONS

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

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

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

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

332.2 POLICY

The UC Riverside 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 UC Riverside 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).

332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

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

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

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

332.4 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).

332.5 INITIAL INVESTIGATION

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

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

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

332.6 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.

332.6.1 SUPERVISOR RESPONSIBILITIES

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

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

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

332.6.2 RECORDS SECTION RESPONSIBILITIES

The receiving member shall:

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

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

332.7 INVESTIGATIVE BUREAU FOLLOW-UP

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

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

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

332.8 WHEN A MISSING PERSON IS FOUND

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

The Records Manager shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

- (a) Notification is made to California DOJ.
- (b) The missing person's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) Immediately notify the Attorney General's Office.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

332.8.1 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.

332.9 CASE CLOSURE

The Investigative Bureau supervisor may authorize the closure of a missing person case after considering the following:

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

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- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

332.10 TRAINING

Subject to available resources, the Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews.
 - 2. Use of current resources, such as Mobile Audio Video (MAV).
 - 3. Confirming missing status and custody status of minors.
 - 4. Evaluating the need for a heightened response.
 - 5. Identifying the zone of safety based on chronological age and developmental stage.
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

Public Alerts

334.1 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.

334.2 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.

334.3 RESPONSIBILITIES

334.3.1 MEMBER RESPONSIBILITIES

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

334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Press Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts.
- (b) Canceling alerts.
- (c) Ensuring all appropriate reports are completed.
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander.

334.4 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.

334.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

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- (a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

334.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
 - 1. The child's identity, age and description.
 - 2. Photograph if available.
 - 3. The suspect's identity, age and description, if known.
 - 4. Pertinent vehicle description.
 - 5. Detail regarding location of incident, direction of travel, potential destinations, if known.
 - 6. Name and telephone number of the Press Information Officer or other authorized individual to handle media liaison.
 - 7. A telephone number for the public to call with leads or information.
- (b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
- (c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:
 - 1. The local FBI office.
 - 2. National Center for Missing and Exploited Children (NCMEC).

334.5 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

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334.5.1 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.

334.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
 - 1. The license number and/or any other available description or photograph of the vehicle.
 - 2. Photograph, description and/or identification of the suspect.
 - 3. The suspect's identity, age and description, if known.
 - 4. Detail regarding location of incident, direction of travel, potential destinations, if known.
 - 5. Name and telephone number of the Press Information Officer or other authorized individual to handle media liaison.
 - 6. A telephone number for the public to call with leads or information.
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
 - 1. Entry into the California Law Enforcement Telecommunication System (CLETS).
 - 2. The FBI local office.

334.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

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334.6.1 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.

334.6.2 PROCEDURE FOR SILVER ALERT

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

334.7 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

334.7.1 CRITERIA

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

- (a) Evacuation orders (including evacuation routes, shelter information, key information).
- (b) Shelter-in-place guidance due to severe weather.
- (c) Terrorist threats.
- (d) HazMat incidents.

334.7.2 PROCEDURE

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

334.8 YELLOW ALERT

A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the department has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

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334.8.1 CRITERIA FOR YELLOW ALERT

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

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

334.8.2 PROCEDURE FOR YELLOW ALERT

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

334.9 FEATHER ALERT

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

334.9.1 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.

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334.9.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

334.10 ENDANGERED MISSING ADVISORY

An Endangered Missing Advisory may be requested when a person is reported missing who is developmentally disabled, or cognitively impaired, or has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk (Government Code § 8594.11).

334.10.1 CRITERIA FOR ENDANGERED MISSING ADVISORY

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

- (a) The missing person is developmentally disabled, cognitively impaired, has been abducted or is otherwise unable to care for themselves, placing their physical safety at risk.
- (b) The Department has utilized all available local resources.
- (c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

334.10.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

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

334.11 EBONY ALERT

An Ebony Alert may be requested when it is determined the alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl (Government Code § 8594.14).

334.11.1 CRITERIA FOR EBONY ALERT

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

- (a) The missing person is between the ages of 12 and 25 years old, inclusive.
- (b) The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.
- (c) The missing person suffers from a mental or physical disability.

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- (d) Determination that the person has gone missing under unexplained or suspicious circumstances.
- (e) Belief that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (f) The Department has utilized all available local resources.
- (g) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

334.11.2 PROCEDURE FOR EBONY ALERT

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

Victim and Witness Assistance

336.1 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.

336.2 POLICY

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

336.3 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 UC Riverside 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.

336.3.1 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 UC Riverside Police Department jurisdiction (Penal Code § 680.2).

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- (f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.
 - 1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.

336.3.2 ADDITIONAL DUTIES OF CRIME VICTIM LIAISON

At least once every two years, the Crime Victim Liaison should conduct a comprehensive review of all UCRPD victim / witness assistance policies, procedures and materials (including handouts, the UCRPD Victim / Witness Resource Guide and all electronic and on-line information) to ensure they meet current needs and contain accurate information. This review should include a review of UCRPD crime reports and trends, Campus Security Authority (CSA) reports and trends, neighboring agency crime reports and trends, and the current resources and services provided by campus and community organizations. Any recommended updates to UCRPD victim / witness assistance policies, procedures and materials should be presented to the Chief of Police for final approval.

On an ongoing basis, the Crime Victim Liaison should review all cases involving violent felonies, sexual assault, domestic violence, and crimes against children to ensure that the following have been completed and appropriately documented, and to correct if necessary;

- (a) All known victims and witnesses have been provided with sufficient information about campus and community resources and services appropriate to their situation, including materials mandated by law and policy
- (b) All appropriate notifications have been made, including mandated reporter (child abuse) obligations, responsible employee (SVSH) obligations and timely warning obligations (Clery Act)

As necessary, the Crime Victim Liaison should facilitate or directly provide information, guidance and assistance to victims and witnesses with regards to contacting campus and community resources and services.

336.4 CRIME VICTIMS AND WITNESSES

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.

336.4.1 RESOURCE GUIDE DISTRIBUTION

The designated case officer should provide or attempt to provide all crime victims with a copy of or link the UCRPD Victim / Witness Resource Guide. The Resource Guide may be delivered electronically, including via web link sent by email, text or automated messaging system.

The designated case officer should provide or attempt to provide a physical copy of the Resource Guide to survivors of domestic violence and sexual assault during the initial response to such

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reported crimes. The designated case officer should also provide or attempt to provide a physical copy of the "Survivor of Sexual Assault" pamphlet to survivors of sexual assault during the initial response to such reported crimes.

The Resource Guide may also be provided or offered to witnesses or other parties, especially to those who may have experienced harm as the result of a crime but may not technically be the victim of a crime.

336.4.2 DIRECT ASSISTANCE

Often the best method for department members to provide assistance to victims / witnesses is by coordinating the immediate response of available services and resources, or by making referrals to available services and resources, as appropriate for the specific situation. Department members may be able to provide appropriate direct assistance to a victim or witness, such as performing a civil stand-by, providing a safety escort or ride, making a security sweep of a location or vehicle, etc. The appropriateness of direct assistance that may be provided in any specific situation is dependent upon available resources, the urgency and degree of risk or concern, and the constraints of law and policy.

Direct assistance that requires significant or lengthy commitment of department resources requires approval from a sworn supervisor or Command Staff member and should involve an evaluation by the Criminal Investigations Bureau. This includes extended protective or relocation services, the departmental deployment of physical security measures, security surveys of the home or workplace, etc.

336.4.3 OUTSIDE AGENCY ASSISTANCE

Upon becoming aware that a campus affiliate is the victim or witness of a crime not within the jurisdiction of UCRPD, the department may provide or attempt to provide appropriate information, guidance and assistance in the same manner as if for a UCRPD criminal case, but should coordinate such efforts with the outside agency in question and defer to that agency's discretion so as not to impede their investigatory or service priorities.

336.4.4 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).

336.5 VICTIM INFORMATION

The Support 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.

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- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U visa and T visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number, and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

336.6 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, and should provide contact information and guidance about applicable campus and community resources and services that might be available (including UCRPD).

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

Campus Video Surveillance System

337.1 PURPOSE AND SCOPE

This policy provides guidance for Department access and operation of the University of California, Riverside campus security video system, as well as the storage and release of security video segments and still images preserved by the Department.

This policy applies only to the Department's use of the campus security video system. It does not apply to mobile audio/video systems, covert audio/video systems, or any other image-capturing devices used by the Department.

This agency is not the owner of the campus video surveillance system and only accesses that system as one of multiple access-approved departments on campus.

337.2 POLICY

The University of California, Riverside campus operates a security video system to enhance safety and security in public and semi-public areas. Cameras are placed in strategic locations throughout campus to detect and deter crime, to help safeguard against potential threats, to help manage emergency response situations during natural and man-made disasters and to assist University of California officials in providing services to the campus community.

Authorized Department members shall only access and operate the campus security video system in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

337.3 OPERATIONAL GUIDELINES

Only Department-approved equipment should be utilized to access and operate the campus security video system. Members authorized to monitor campus security video should only actively monitor locations where no reasonable expectation of privacy exists.

337.3.1 PLACEMENT AND MONITORING

As appropriate, the Chief of Police (or their designee) should confer with University of California divisions and designated community groups to make recommendations about camera placement.

Live and recorded images may be used by the Department for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. These uses may include, but are not limited to the following purposes:

- (a) To prevent, deter and identify criminal activity.
- (b) To respond to critical incidents.
- (c) To assist in identifying, apprehending and prosecuting offenders.
- (d) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
- (e) To augment resources in a cost-effective manner.
- (f) To monitor pedestrian and vehicle traffic activity.

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Campus Video Surveillance System

Live and recorded images should only be transmitted to Department-authorized workstations or devices. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. Authorized members are permitted to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police (or their designee) may authorize live or delayed video feeds from the campus security video system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention of campus security video segments or images is prohibited.

337.3.2 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate output from the campus security video system with other technology to improve its capacity to provide public safety and emergency response services. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition and other video-based analytical systems may be considered based upon availability and the nature of Department strategy, and in a manner otherwise consistent with law and policy.

337.4 VIDEO SUPERVISION

Supervisors should monitor campus security video system access and operation to ensure members are within Department policy and applicable laws.

337.4.1 PROHIBITED ACTIVITY

Campus security video systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

The campus security video system shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

The campus security video system shall not be used to harass, intimidate, or discriminate against any individual or group.

337.5 STORAGE AND RETENTION

All preserved security video segments and still images shall be stored in a secure manner with access restricted to authorized persons. Video segments and still images needed as evidence or for civil / administrative purposes shall be copied to a suitable medium and preserved in accordance with established procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. Preserved security video segments and still images should

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be stored and retained in accordance with the established records retention schedule and for a minimum of one year. Prior to destruction, written consent shall be obtained from University campus counsel. If preserved security video segments and still images are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved (Government Code § 34090.6).

337.5.1 EVIDENTIARY INTEGRITY

All preserved security video segments and still images should only be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

337.6 RELEASE OF VIDEO IMAGES

All security video segments and still images from the campus security video system, when preserved upon the initiative of a Department member, are intended for the official use of the University of California, Riverside Police Department, and should only be utilized by authorized members as necessary and appropriate within the scope of an official criminal or administrative investigation. When a legitimate public safety or law enforcement need exists, and upon the approval of a Department member at the rank of Lieutenant or higher, campus security video segments and still images may be released to the general public, redacted as necessary.

Requests for unreleased but preserved campus security video segments and still images from the public or the media shall be processed in the same manner as requests for Department public records.

Requests for buffered or unreleased but preserved campus security video segments and still images from other public safety or law enforcement agencies shall be referred to the Watch Commander for consideration, and should only be approved for a legitimate public safety or law enforcement purpose. Any responsive material should only be provided to authorized peace officers or investigators.

Requests for buffered or unreleased but preserved campus security video segments and still images from other UC Riverside campus units shall be referred to the Watch Commander for consideration, and should only be approved for a specific and legitimate administrative purpose. Any responsive material should only be provided to authorized University supervisors or managers.

Any other request for buffered or unreleased but preserved security video segments and still images should be directed to the UC Riverside Office of Legal Affairs as a Public Records Act request.

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Buffered or unreleased but preserved security video segments and still images that are the subject of a court order or subpoena shall be processed in accordance with the established Department subpoena process.

337.7 TRAINING

All Department members authorized to operate or access campus security video systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations, and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of security video equipment and privacy.

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338.1 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.

338.2 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the UC Riverside Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6; Penal Code § 422.87).

338.2.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

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Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression - Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics:

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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
- 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.

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Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Religious bias - In recognizing suspected religion-bias hate crimes, officers should consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion (e.g., crosses, hijabs, Stars of David, turbans, head coverings, statues of the Buddha).

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

338.3 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.

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338.3.1 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.
- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.
- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.
- (i) Coordinating with the Training Sergeant to develop a schedule of required hate-crime training and include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to officers in the field and taking reasonable steps to rectify the situation if such a process is not in place.
- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Section for mandated reporting to the Department of Justice.
 - 1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).
- (l) Reporting any suspected multi-mission extremist crimes to the department Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Section Policy.
- (m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).

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- (n) Submitting required hate crime materials to the California Department of Justice in accordance with the timeline established by state law (Penal Code § 13023).
- (o) Annually assessing this policy, including:
 1. Keeping abreast of POST model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, the supplemental hate crime report, and planning and prevention methods.
 2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

338.3.2 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.

338.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

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338.4.1 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.
 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.

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6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
 - (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
 - (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
 - (l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
 - (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
 - (n) Document any suspected multi-mission extremist crimes.

338.4.2 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.

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2. Identity of witnesses, including those no longer at the scene.
 3. Offer of victim confidentiality per Government Code § 7923.615.
 4. Prior occurrences, in this area or with this victim.
 5. Statements made by suspects; exact wording is critical.
 6. Document the victim's protected characteristics.
- (h) Provide victim assistance and follow-up.
- (i) Canvass the area for additional witnesses.
- (j) Examine suspect's social media activity for potential evidence of bias motivation.
- (k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
- (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.
- (m) Determine if the incident should be classified as a hate crime.
- (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
 2. Provide ongoing information to victims about the status of the criminal investigation.
 3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
- (o) Document any suspected multi-mission extremist crimes.
- (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

338.4.3 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.

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3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).
- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).
- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

338.5 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.

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338.6 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

[Supplemental Hate Crime Report.pdf](#)

Standards of Conduct

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the UC Riverside 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.

340.2 POLICY

The continued employment or appointment of every member of the UC Riverside 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.

340.3 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.

340.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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

340.3.2 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.

340.4 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.

340.5 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:

340.5.1 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 University manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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340.5.2 ETHICS

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

340.5.3 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.

340.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on -duty or through the use of one's official capacity.
- (b) Engaging in on--duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

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340.5.5 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.

340.5.6 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, non-department civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

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

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340.5.8 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 work- related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department -related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - (a) While on department premises.
 - (b) At any work site, while on -duty or while in uniform, or while using any department equipment or system.
 - (c) Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - (a) Unauthorized attendance while on- duty at official legislative or political sessions.
 - (b) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on- duty or, on department property except as expressly authorized by University policy, the memorandum of understanding, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by University policy, the memorandum of understanding, or the Chief of Police.
- (i) Any act on- or off- duty that brings discredit to this department.

340.5.9 CONDUCT

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- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency.
- (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 University.
- (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.

340.5.10 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.

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- (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.

340.5.11 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

342.1 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.

342.1.1 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 UC Riverside Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

342.2 POLICY

It is the policy of the UC Riverside 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.

342.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

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The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

342.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

342.4.1 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 University-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.

342.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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342.4.3 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.

342.4.4 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.

342.5 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.

342.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department

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involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

Report Preparation

344.1 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.

344.1.1 REPORT PREPARATION

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

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who 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.

All department reports shall be completed using the current department-provided Records Management software.

344.2 REQUIRED REPORTING

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

344.2.1 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:
 - (a) Use of Force Policy.

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- (b) Domestic Violence Policy.
- (c) Child Abuse Policy.
- (d) Senior and Disability Victimization Policy.
- (e) Hate Crimes Policy.
- (f) Suspicious Activity Reporting Policy.
- (e) All misdemeanor crimes where the victim desires a report.

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

344.2.2 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.

344.2.3 DEATH CASES

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

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.

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- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

344.2.4 INJURY OR DAMAGE BY UNIVERSITY PERSONNEL

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

344.2.5 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.

344.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

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

344.2.7 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
 - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle burglaries with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.

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- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- (j) Supplemental property lists.

Members at the scene of one of the above incidents 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).

344.3 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.

344.3.1 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 departmental consistency.

344.3.2 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.

344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form 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.

344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

344.6 ELECTRONIC SIGNATURES

The UC Riverside Police Department has established an electronic signature procedure for use by all employees of the UC Riverside Police Department. The Patrol Lieutenant shall be responsible

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for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

Media Relations

346.1 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.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders, and designated Press Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

346.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

346.3.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

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346.3.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

346.4 POLICY

It is the policy of the UC Riverside Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

346.5 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 media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

346.6 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

346.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel

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Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

346.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

346.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

346.8.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date, and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has

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been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).

Subpoenas and Court Appearances

348.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the UC Riverside Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

348.2 POLICY

UC Riverside Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

348.3 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)).

348.3.1 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 Campus Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the University 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.

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- (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 UC Riverside Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the UC Riverside Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

348.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

348.3.3 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.

348.4 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.

348.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

348.6 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.

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- (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.

348.6.1 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.

348.7 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.

Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

352.2 POLICY

It is the policy of the UC Riverside 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.

352.3 ASSISTING OUTSIDE AGENCIES

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

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

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

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

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

352.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the UC Riverside Police Department shall notify the 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.

352.4 REQUESTING OUTSIDE ASSISTANCE

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

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

352.5 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Support Services Division Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Communications Center and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

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

Registered Offender Information

355.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the UC Riverside 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.

355.2 POLICY

It is the policy of the UC Riverside 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.

355.3 REGISTRATION

The Investigative Bureau supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

355.3.1 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.).

355.4 MONITORING OF REGISTERED OFFENDERS

The Investigative Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

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The Investigative Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to UC Riverside Police Department personnel, including timely updates regarding new or relocated registrants.

355.5 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 UC Riverside Police Department's website. Information on sex registrants placed on the UC Riverside Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Manager may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

355.5.1 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).

355.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

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- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

Major Incident Notification

357.1 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.

357.2 POLICY

The UC Riverside 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.

357.3 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
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent University of California, Riverside official
- Arrest of a department employee or prominent University of California, Riverside official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

357.4 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. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

357.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the Chief of Police shall be notified along with the affected Division Commander and the Detective Lieutenant if that division is affected.

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357.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

357.4.3 TRAFFIC BUREAU NOTIFICATION

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

357.4.4 PRESS INFORMATION OFFICER (PIO)

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

Death Investigation and Notifications

359.1 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.

359.2 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.

359.2.1 CORONER REQUEST

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

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.
- (c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide.
- (e) Known or suspected suicide.
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- (g) Related to or following known or suspected self-induced or criminal abortion.
- (h) Associated with a known or alleged rape or crime against nature.
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).

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- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.
- (n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
- (o) In prison or while under sentence. Includes all in-custody and police involved deaths.
- (p) All deaths of unidentified persons.
- (q) All deaths of state hospital patients.
- (r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
- (s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

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

359.2.2 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.

359.2.3 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.

359.2.4 DEATH INVESTIGATION REPORTING

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

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359.2.5 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.

359.3 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.

359.3.1 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)).

359.3.2 CAMPUS DEATH RESPONSE PROTOCOL

When the death of a campus affiliate or visitor is discovered by, or reported to, the Department, including a death that has occurred outside the Department's primary jurisdiction, this information should be forwarded to the Watch Commander to determine if the campus death response protocol should be implemented.

For purposes of the campus death response protocol, "affiliate" includes:

- (a) Undergraduate students.
- (b) Graduate students.
- (c) Visiting & Post-Doc scholars.
- (d) Faculty members & academic employees (whether active, on leave or emeritus/retired).
- (e) Staff members (whether active, on leave or retired).

When the Department receives a report of an affiliate's death, it should be forwarded to the Criminal Investigations Bureau supervisor or manager for review and consideration of any necessary follow-up. That manager or supervisor shall consider making notifications as necessary to the following campus departments:

- (a) Undergraduate: Office of the Dean of Students. If the student was a resident in a Housing facility, additional notification should be made to Housing professional staff.
- (b) Graduate Student: Office of the Dean of Students. If the death occurred while the graduate student was on-duty at their campus-assigned employment, additional notifications should be made to Environmental Health and Safety.

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- (c) Visiting Post-Doc or Scholar: Office of the Dean of Students.
- (d) Staff: The staff member's home department, as well as Employee and Labor Relations. If the death occurred while the staff member was at work, additional notifications should be made to Environmental Health and Safety.
- (e) Academic/Faculty/Emeriti: Chancellor's Office. If the staff member was on-campus at the time of death, additional notifications should be made to Environmental Health and Safety.

359.3.3 UCRPD MEMBER DEATH

For a Department member death in the line of duty, refer to the Department Line-of-Duty Deaths policy for guidance.

Identity Theft

361.1 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.

361.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
 1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
- (c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.
- (e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.
- (f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

Private Persons Arrests

363.1 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.

363.2 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.

363.3 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.

363.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.

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2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
1. Take the individual into physical custody for booking
 2. Release the individual pursuant to a Notice to Appear
 3. Release the individual pursuant to Penal Code § 849

363.5 REPORTING REQUIREMENTS

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

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

Limited English Proficiency Services

367.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

367.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the UC Riverside Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

367.2 POLICY

It is the policy of the UC Riverside Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

367.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Patrol Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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- (a) Coordinating and implementing all aspects of the UC Riverside Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Communications Supervisor. The list should include information regarding the following:
 - 1. Languages spoken
 - 2. Contact information
 - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

367.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

367.5 TYPES OF LEP ASSISTANCE AVAILABLE

UC Riverside Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

367.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

367.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

367.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual member from this department is not available, personnel from other University departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

367.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

367.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other University departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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367.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

367.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

367.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The UC Riverside Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

367.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

367.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

367.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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367.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

367.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

367.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

367.17 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.

367.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

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The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

367.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Communications with Persons with Disabilities

369.1 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.

369.1.1 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.

369.2 POLICY

It is the policy of the UC Riverside 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.

369.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the University ADA coordinator regarding the UC Riverside Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Communications 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.

369.4 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.

369.5 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 UC Riverside 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.

369.6 TYPES OF ASSISTANCE AVAILABLE

UC Riverside 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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369.7 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.

369.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

369.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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369.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

369.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

369.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

369.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

369.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

369.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

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In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

369.15 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.

369.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

369.17 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.

369.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.

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- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

369.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Communications Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

Duty to Warn/Tarasoff Notification

370.1 PURPOSE AND SCOPE

The purpose of this order is to set procedures for investigating and reporting threats communicated to a mental health professional, commonly referred to as "Tarasoff incidents", or in cases where a member of the Department becomes aware of any act or credible threat to injure or harm another person, reasonable efforts shall be made to document the information and notify the intended victim as well as provide assistance that may be reasonably available for that person's safety.

370.2 DEFINITIONS

Tarasoff Notification (pursuant to Tarasoff v. The Regents 551 P. 2d334 (Cal 1976)) - a notification from a licensed psychologist/counselor to the police and targeted people regarding death threats.

370.3 NOTIFICATION

When an imminent or credible threat to a person is received, it is the policy of this Department to:

- (a) Immediately notify the on-duty supervisor as well as the intended victim. The matter will be initially handled by a patrol officer.
- (b) Document the notifications in a case report by time and date.
- (c) When the threat is not imminent and personal contact cannot be made, a letter detailing the threat shall be sent to the intended victim.
- (d) Complete DOJ Form (BOF 4074) Firearm Prohibition.

Mandatory Employer Notification

371.1 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.

371.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

371.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

371.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

371.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

371.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health

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and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

371.3 POLICY

The UC Riverside Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

371.4 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).

Biological Samples

373.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

373.2 POLICY

The UC Riverside Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

373.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

- (a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.
- (b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.
- (c) An adult arrested or charged with any felony.

373.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

373.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.
- (c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

373.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only

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with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

373.5.1 VIDEO RECORDING

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR 1059).

373.5.2 CELL EXTRACTIONS

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

373.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

373.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander or the on-duty authorized designee shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample, or impression and refused, as well as the related court order authorizing the force.

373.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

- (a) The California DOJ requests a blood sample and the subject consents, or;
- (b) A court orders a blood sample following a refusal.

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The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

373.6.3 LITIGATION

The Chief of Police or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use, or any aspect of the state's DNA Data Bank Program.

Child and Dependent Adult Safety

379.1 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.

379.2 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 UC Riverside 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.

379.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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379.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

379.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

379.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
1. Name.
 2. Sex.
 3. Age.
 4. Special needs (e.g., medical, mental health).
 5. How, where and with whom or which agency the child was placed.
 6. Identities and contact information for other potential caregivers.
 7. Notifications made to other adults (e.g., schools, relatives).
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
1. Name.
 2. Sex.
 3. Age.
 4. Whether he/she reasonably appears able to care for him/herself.
 5. Disposition or placement information if he/she is unable to care for him/herself.

379.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

379.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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379.5 TRAINING

The Training Sergeant is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

Off-Duty Law Enforcement Actions

385.1 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 UC Riverside Police Department with respect to taking law enforcement action while off-duty.

385.2 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.

385.3 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.

385.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.

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- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

385.4.1 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 UC Riverside Police Department officer until acknowledged. Official identification should also be displayed.

385.4.2 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.

385.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

385.4.4 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.

385.5 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.

Line Inspections

386.1 PURPOSE AND SCOPE

To provide guidelines for carrying out line inspections, which includes the regular examination of all Department members, equipment, vehicles and facilities for the purpose of ensuring operational readiness and verifying an appearance and general condition in compliance with Department policy.

386.2 POLICY

All Department members are expected to maintain their issued or mandatory uniform and equipment in a state of operational readiness, and to comply with all relevant appearance and general condition standards as described in Department policy, Department members are also expected to maintain all issued or shared Department vehicles, equipment, and facilities they use in a similar fashion. Managers and supervisors are responsible for conducting regular inspections of Department members and Department equipment, vehicles and facilities to achieve accountability and to correct deficiencies in a timely fashion.

386.3 INSPECTION PROCEDURES

See attachment: [Line Inspection Form QR.pdf](#)

Every manager and supervisor has the responsibility and authority to conduct regular inspections of the Department members, vehicles, equipment and facilities within their division or unit, as well as of all shared or common Department vehicles, equipment and facilities. This includes:

- (a) Casual inspections, which are cursory, random, and occasional.
- (b) Formal inspections, which are thorough, systematic, scheduled, and documented.

No employee shall have their locker, personal items or other space for storage that may be assigned to them searched except in their presence, or with their consent, or unless a valid search warrant has been obtained or where they have been notified that a search will be conducted (Government Code § 3309).

When inspection reveals a deficiency, the manager or supervisor should take action to address and correct the problem without unnecessary delay.

- (a) When inspection reveals a hazardous, egregious, or repeated deficiency, the manager or supervisor should also document the deficiency and the plan or need to address and correct it. This documentation should consist of a memo sent to the appropriate Division Commander via the chain-of-command, if there is no other applicable reporting system for the deficiency in question.
- (b) If any deficiency is beyond the ability of the manager or supervisor to correct within two (2) working days, the manager or supervisor should submit a follow-up memo to the Field Operations Commander via the chain of command with a summary of the problem and recommendations for mitigation and/or correction.

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When inspection reveals an exemplary condition or performance, the manager or supervisor should document the circumstances as appropriate, which may include a memo sent to the Field Operations Commander via the chain of command with a recommendation for recognition or commendation of the responsible Department member or unit.

In lieu of a formal memo via the chain of command, another department-approved written communication system may be utilized.

386.4 PERSONNEL INSPECTIONS

Department managers and supervisors should conduct casual inspections of personnel within their division or unit on an ongoing basis, including daily observation of Department members' uniforms, equipment, vehicles and workplace. Casual inspections shall be documented on the Smartsheet tracking form or current mode of recording inspection results.

At least once per quarter, managers and supervisors should ensure that all Department members are formally inspected. The inspection should be scheduled with at least one-week advance notice given to all Department members who will be formally inspected.

Formal personnel inspections shall be documented on the approved Department reporting form and routed to the Field Operations Commander via the chain of command.

386.4.1 FORMAL PERSONNEL INSPECTION REPORTING FORM

The Field Operations Commander is responsible to develop and make available a form to be used for conducting and documenting formal personnel inspections of Department members. This form may include specific procedures or expectations for conducting the formal inspection, and may be used for all formal personnel inspections of all Department members (non-applicable elements may be omitted as necessary).

386.5 VEHICLE INSPECTIONS

Vehicle inspections shall be performed as described in the Vehicle Maintenance Policy.

386.6 FIREARMS INSPECTIONS

Firearms inspections shall be performed as described in the Firearms Policy.

386.7 OTHER EQUIPMENT AND FACILITY INSPECTIONS

Department managers and supervisors should conduct casual inspections of other shared or common equipment and facilities on an ongoing basis.

Formal inspection of Department equipment or facilities dedicated to specific programs or units will generally be considered the responsibility of any Department member assigned to manage that program or unit, but any supervisor or manager who observes a deficiency should take action to address and correct the problem.

Deficiencies involving shared or common equipment or facilities should be brought to the attention of the Department Facilities Manager if no other Department member is clearly designated as responsible for managing the deficient item or location.

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The Department Facilities Manager is responsible for managing any formal inspection that might be necessary for any shared or common equipment or facilities that is not clearly the responsibility of another Department member to manage.

386.8 ANNUAL SUMMARY

The Field Operations Commander is responsible to provide the Chief of Police with an annual written summary and assessment of all formal inspections and deficiencies documented pursuant to this policy.

Department Use of Social Media

388.1 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).

388.1.1 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

388.2 POLICY

The UC Riverside 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.

388.3 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.

388.4 AUTHORIZED CONTENT

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

Examples of appropriate content include:

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- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

388.4.1 INCIDENT-SPECIFIC USE

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

388.5 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 UC Riverside 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.

388.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

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388.6 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.

388.7 RETENTION OF RECORDS

The Support Services Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

388.8 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.

Gun Violence Restraining Orders

389.1 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).

389.1.1 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).

389.2 POLICY

It is the policy of the UC Riverside 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.

389.3 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).

389.3.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.
- (b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.

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- (c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

389.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Manager for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

389.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.
- (c) Forward a copy of the order to the Records Manager for filing with the court and appropriate databases.

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389.5 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.

389.6 RECORDS MANAGER RESPONSIBILITIES

The Records Manager is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
- (b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
- (d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
- (e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

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389.7 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.

389.8 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.

389.9 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.

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7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
 8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 2. Forwarding orders to the Records Manager for recording in appropriate databases and required notice to the court, as applicable.
 3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- (d) Coordinating with the Training Sergeant to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.
1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

389.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Investigative Bureau supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

389.11 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).

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389.12 TRAINING

The Training Sergeant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

Native American Graves Protection and Repatriation

390.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

390.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

390.2 POLICY

It is the policy of the UC Riverside Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects,

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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.

390.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

390.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

Chaplains

391.1 PURPOSE AND SCOPE

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

391.2 POLICY

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

391.3 ELIGIBILITY

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

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

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

391.4 RECRUITMENT, SELECTION AND APPOINTMENT

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

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

391.4.1 SELECTION AND APPOINTMENT

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

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

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Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

391.5 IDENTIFICATION AND UNIFORMS

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

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

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

391.6 CHAPLAIN COORDINATOR

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

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

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

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

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.

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- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

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

391.7 DUTIES AND RESPONSIBILITIES

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

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

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

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

391.7.1 COMPLIANCE

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

391.7.2 OPERATIONAL GUIDELINES

- (a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.
- (b) Generally, each chaplain will serve with UC Riverside Police Department personnel a minimum of eight hours per month.
- (c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Chief of Police or the authorized designee.
- (d) Chaplains shall be permitted to ride with officers during any shift and observe UC Riverside Police Department operations, provided the Watch Commander has been notified and has approved the activity.
- (e) Chaplains shall not be evaluators of members of the Department.
- (f) In responding to incidents, a chaplain shall never function as an officer.
- (g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

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- (h) Chaplains shall serve only within the jurisdiction of the UC Riverside Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
- (i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

391.7.3 ASSISTING DEPARTMENT MEMBERS

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

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

391.7.4 ASSISTING THE DEPARTMENT

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

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

391.7.5 ASSISTING THE COMMUNITY

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

- (a) Fostering familiarity with the role of law enforcement in the community.

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

391.7.6 CHAPLAIN MEETINGS

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

391.8 PRIVILEGED COMMUNICATIONS

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

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

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

391.9 TRAINING

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

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

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- Officer injury or death.
- Sensitivity and diversity.

Community Relations

392.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

392.2 POLICY

It is the policy of the UC Riverside Police Department to promote positive relationships between members of the department and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

392.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).
- (b) Become reasonably familiar with the colleges, departments, Professional Schools (i.e. School of Medicine, School of Business, School of Education, and School of Public Policy), and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify the Communications Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol.

392.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or authorized designee and is responsible for:

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- (a) Coordinate the community relations efforts of the Community Resource Officers (CRO).
- (b) Obtaining department-approved training related to his/her responsibilities.
- (c) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (d)
- (e) Working with community groups, department members and other community resources to:
 - 1. Identify and solve public safety problems within the community.
 - 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (f) Working with the Patrol Division Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (g) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.
- (j) In conjunction with the Patrol Division Commander development of programs designed to target crime type and geographic area formulated around crime analysis data.
- (k) Development of programs that address community perceptions or misperceptions of crime within and around the affected community.
- (l) Completion of a comprehensive written evaluation of the agency's crime prevention programs, at least once every four years.

392.4.1 COMMUNITY INVOLVEMENT REPORT

The Community Relations Coordinator shall prepare a Community Involvement Report twice yearly which shall be forwarded to the Chief of Police. This report shall contain, at a minimum, the following:

- (a) An overview of progress made in addressing previously expressed community relations problems
- (b) An overview of current concerns voiced by community members
- (c) An overview of potential problems that could affect law enforcement, security, and public relations within the community

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- (d) Recommendations for action that address those concerns and problems identified by the community

392.5 SURVEYS

The Support Services Division Commander should arrange for a survey of community members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Department.
- (b) Overall competence of department members.
- (c) Attitude and behavior of department members.
- (d) Level of community trust in the Department.
- (e) Safety, security or other concerns.

A written summary of the compiled results of the survey should be provided to the Chief of Police.

392.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (b) Youth and undergraduate leadership and life skills mentoring.
- (c) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (d) Crime prevention programs.

392.7 INFORMATION SHARING

The community relations coordinator should work with the Press Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

392.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

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- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Along Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Department.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

392.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

392.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

392.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

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 shift briefings and to attend shift briefings of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.3.1 CAMPUS LIAISON

The University of California, Riverside will designate a liaison between our department and students exercising rights guaranteed by the First Amendment to the United States Constitution, a similar provision of the California Constitution or both (Education Code § 66303). The designated department staff member will work with this liaison regarding relevant issues, scheduled events, training and crowd control.

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Patrol Function

400.4 POLICY

The UC Riverside Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.5 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of University of California, Riverside. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (i) Directing and controlling traffic.

400.6 SERVICE AREA ASSIGNMENTS

The department does not subdivide the campus into patrol sectors or assignments. Patrol officers are expected to conduct patrol operations for the entire campus geography as indicated in the policy.

Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the UC Riverside Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

402.2 POLICY

The UC Riverside Police Department is committed to providing professional 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 the highest level of professional law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

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- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

402.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a professional, 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 or other agency if the action occurs in the member's presence.

402.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.4.2 REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by Government Code § 12525.5 and 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the UC Riverside Police Department is the primary agency, the UC Riverside 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).

402.4.3 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP

An officer conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Officers shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

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402.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (c) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

402.6 ADMINISTRATION

Each year, the Patrol Division Commander should review the efforts of the Department to provide professional, fair, and objective policing.

402.7 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

402.7.1 ADDITIONAL STATE REQUIREMENTS

Training should be conducted as directed by the Training Section.

- (a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved POST refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity, and cultural trends (Penal Code § 13519.4(i)).

402.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

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Supervisors should ensure that data stop reports are provided to the Records Manager for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

Shift Briefing Training

404.1 PURPOSE AND SCOPE

Shift Briefing training is generally conducted at the beginning of the officer's assigned shift. Shift Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Shift Briefing; however officers may conduct Shift Briefing for training purposes with supervisor approval.

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

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying officers of changes in schedules and assignments
- (c) Notifying officers of new General Orders or changes in General Orders
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

404.2 PREPARATION OF MATERIALS

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

404.3 RETENTION OF SHIFT BRIEFING TRAINING RECORDS

Shift Briefing training materials and a curriculum or summary shall be forwarded to the Training Sergeant for inclusion in training records, as appropriate.

Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 POLICY

It is the policy of the UC Riverside 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.

406.3 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.

406.4 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.

406.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

406.5.1 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.

406.6 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

410.1 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.

410.1.1 ELIGIBILITY

The UC Riverside Police Department Ride-Along Program is offered to residents, students and those employed within the University. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

410.1.2 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, Division Commander, or Watch Commander.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Watch Commander. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Watch Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

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.

410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police cadets are covered in the Police Cadets Policy.

410.2.2 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.

410.2.3 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.

410.2.4 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 UC Riverside Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

410.3 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 Watch Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Watch Commander with any comments which may be offered by the officer.

410.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment

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- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

Hazardous Material Response

412.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities. To comply with 8 CCR § 5194, the following is to be the policy of this department.

Additional campus information on hazardous material response can be found in the Emergency Action Plan ([See attachment: emergency_action_plan-1 \(1\).pdf](#))

412.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material – A substance which, by its nature, containment, or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest, or statements from the person transporting).
- (b) Notify the fire department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety Code § 79355).

412.2.1 CAMPUS ENVIRONMENTAL HEALTH & SAFETY NOTIFICATION

Notification by the Watch Commander to Campus Environmental Health & Safety will be made as soon as possible. It will be the responsibility of EH&S to determine their response and actions.

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412.3 REPORTING EXPOSURE

Department members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an employee memorandum that shall be forwarded via chain of command to the Watch Commander as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that a member has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of members, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the fire department.

Medical Aid and Response

413.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

413.2 POLICY

It is the policy of the University of California Riverside Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

413.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the member.
 - 2. Changes in apparent condition.
 - 3. Number of patients, sex and age, if known.
 - 4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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413.4 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 for weapons 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

413.5 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 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.

413.6 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.

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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

413.7 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.

413.8 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).

413.9 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Manager who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

413.10 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

413.11 AED TRAINING AND MAINTENANCE

The Training Manager should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The UCR EH&S Department 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).

413.12 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

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413.13 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES AND USE

Members who are qualified to administer opioid overdose medication, such as Naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Operations Lieutenant or designee.

Officers who have completed the mandated Naloxone training by HCA/EMS are authorized to administer Naloxone when they reasonably believe someone is experiencing an opioid-related overdose. Personnel will treat the incident as a medical emergency and follow these steps when performing this intervention:

- (a) Confirm emergency personnel are responding;
- (b) Maintain universal precautions;
- (c) Perform patient assessment;
- (d) Determine unresponsiveness;
- (e) Update dispatch of potential overdose state;
- (f) Follow Naloxone protocol;
- (g) Immediately notify responding emergency personnel that Naloxone has been administered;
- (h) Notify a patrol Sergeant.

Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.

413.14 OPIOID OVERDOSE MEDICATION TRAINING

The Training Manager should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).

413.15 MAINTENANCE AND REPLACEMENT

The daily inspection of Naloxone kits will be the responsibility of officers who are assigned the kit for field deployment. Officers should handle, store and administer the medication consistent with their training. Officers should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and reported to the Operations Lieutenant. Replacement kits will be issued by the Operations Lieutenant or designee during normal working hours.

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413.16 PROGRAM COORDINATOR

The Operations Division Lieutenant or designee will serve as the department's Program Coordinator and will work in collaboration with the HCA/EMS. The Program Coordinator will be responsible for tracking, storage, maintenance, replacement of Naloxone kits and reviewing Naloxone use reports.

413.17 DESTRUCTION OF OPIOID OVERDOSE MEDICATION

The Operations Lieutenant or designee shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

413.18 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

Hostage and Barricade Incidents

414.1 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.

414.1.1 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.

414.2 POLICY

It is the policy of the UC Riverside 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.

414.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

414.3.1 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,

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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.

414.4 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.

414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

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- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Press Information Officer (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

414.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

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- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

414.5 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 Crisis Response Unit if appropriate and apprising the Crisis Response Unit Commander of the circumstances. In addition, the following options should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
 - (b) Ensure the completion of necessary first responder responsibilities or assignments.
 - (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
 - (d) Establish a command post location as resources and circumstances permit.
 - (e) Designate assistants who can help with intelligence information and documentation of the incident.
 - (f) If it is practicable to do so, arrange for video documentation of the operation.
 - (g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).
1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.

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- (h) Ensure adequate law enforcement coverage for the remainder of the University during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.
- (i) Identify a media staging area outside the outer perimeter and have the department Press Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

414.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

The Incident Commander will decide, with input from the CRU Commander, whether to deploy the CRU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the CRU 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 CRU. The Incident Commander and the CRU Commander or the authorized designee shall maintain communications at all times.

414.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the UC Riverside 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.

416.2 POLICY

It is the policy of the UC Riverside Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

416.3 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.

416.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

416.4.1 UC RIVERSIDE POLICE DEPARTMENT FACILITY

If the bomb threat is against the UC Riverside 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.

416.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the UC Riverside Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

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416.4.3 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.

416.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the University of California, Riverside, 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.

416.5.1 ASSISTANCE

The Watch Commander should be notified when police assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

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- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

416.6 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 appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Watch Commander including:
 - 1. The time of discovery.

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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.

416.7 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.

416.7.1 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.

416.7.2 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

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416.7.3 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.

416.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

Mental Illness Commitments

418.1 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).

418.2 POLICY

It is the policy of the UC Riverside Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

418.3 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

418.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

418.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

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- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

418.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

418.5 TRANSPORTATION

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

418.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

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418.7 DOCUMENTATION

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

418.7.1 ADVISEMENT

The officer taking a person into custody for evaluation shall advise the person of:

- (a) The officer's name and agency.
- (b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
- (c) The name of the facility to which the person is being taken.
- (d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

418.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

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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.

418.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

418.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigative Bureau, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

418.10 TRAINING

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

Cite and Release Policy

420.1 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.

420.2 POLICY

It is the policy of the UC Riverside 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.

420.3 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.

420.3.1 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.

420.3.2 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.

420.4 NON-RELEASE

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420.4.1 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).

420.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

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- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
 - (a) Previous failure to appear is on record.
 - (b) The person lacks ties to the area, such as a residence, job, or family.
 - (c) 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 Section.

420.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
- (e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.
- (g) The person has other ineligible charges pending against themselves.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.

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- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

420.6 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 University of California, Riverside University codes.

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigative Bureau for further action including diversion.

420.7 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if the officer feels the situation should be documented more thoroughly in a case report.

Foreign Diplomatic and Consular Representatives

422.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the UC Riverside Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

422.2 POLICY

The UC Riverside 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.

422.3 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.

422.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers
 - 5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

422.5 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.

422.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

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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

424.1 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 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.

424.2 POLICY

The UC Riverside 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.

424.3 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 to mitigate the threat, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

424.3.1 RESPONSE TO SCHOOL THREATS

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, officers shall immediately inform law enforcement officials responsible for the district in which the school operates.

424.4 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.

424.5 PLANNING

The Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

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424.6 TRAINING

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
 - (a) This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Immigration Violations

428.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 DEPARTMENT POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code dealing with illegal entry. UCPD, on the other hand, has primary responsibility for preserving and protecting public safety for the University community. Community trust and cooperation is essential to effective law enforcement on campus and other University property. The limited resources of UCPD should not be diverted from this mission to the enforcement of federal immigration laws; UCPD shall not enforce federal immigration law. Campus police should avoid actions that create a disincentive to report crime, or to offer testimony as a witness to a crime, such as requesting information about immigration status from crime victims and witnesses.

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be advised that immigration enforcement is the responsibility of the federal government.

428.3.1 BASIS FOR CONTACT, DETENTION, QUESTIONING OR ARREST

Officers shall not contact, detain, question or arrest an individual solely on the basis of suspected undocumented immigration status or to discover the immigration status of an individual.

428.3.2 NO SWEEPS

The U.C. Riverside Police Department does not conduct sweeps or other concentrated efforts to detain suspected undocumented persons. When law enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

428.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency for assistance with enforcement of Title 8 of the US Code, this department may provide available support services only for purposes

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such as managing the flow of traffic, peacekeeping, officer safety or as otherwise necessary to prevent injuries or property damage.

Members of this department shall not participate in federal operations as part of any federal immigration detention team. Any detention by a member of this department must be based upon the reasonable belief that an individual is involved in criminal activity in violation of laws other than federal immigration laws. County jail authorities have responsibility for compliance with the California Truth Act and the California TRUST Act should either be required.

428.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

428.3.5 ARREST AND BOOKING

Whenever an individual is arrested for a misdemeanor violation, the arresting officer shall process that individual pursuant to California Penal Code § 853.6 and the department's Cite and Release Policy. County jail bookings for misdemeanors should be approved by the watch commander. Individuals arrested for felony violations should be booked in the County jail according to local policy. Upon booking, County jail authorities have responsibility for any actions required by the California Truth Act and the California TRUST Act.

428.3.6 REQUIRED NOTIFICATION

Whenever an officer has reason to believe that any person arrested for any offense set forth in the Uniform Controlled Substances Act that is listed in Health & Safety Code §11369 may not be a citizen of the United States and the individual is not going to be booked into the County Jail, the arresting officer shall cause ICE to be notified as required by Health & Safety Code 11369.

428.4 INFORMATION SHARING

The University of California Riverside Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws.

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Nothing in this policy on Immigration Violations is intended to restrict officers from exchanging with ICE information regarding the citizenship or immigration status, lawful or unlawful, of any individual, to the extent such restriction is inconsistent with the requirements of 8 USC § 1373 and 8 USC § 1644.

428.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U); 8 USC §1101(a)(15)(T)). Where UCPD receives a request for assistance with a petition for U-Visa/T-Visa Nonimmigrant Status, if appropriate, the Chief of Police or his or her designee (the department) shall ensure the required declaration/certification documentation is completed in accordance with state law (Penal Code § 679.10; Penal Code § 679.11) and the procedures set forth below.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded within 24 hours to the Chief of Police or his or her designee assigned to supervise the handling of any related case. The department should ensure the following occurs:

- (a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.
- (b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website.
- (c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.
- (d) Address the request and complete the declaration/certification, if appropriate, within the timeframes set forth in state law (Penal Code § 679.10; Penal Code § 679.11.).
- (e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed declaration/certification in the case file.

428.4.2 TIME FRAMES FOR COMPLETION

The department, in cases of human trafficking as defined by Penal Code § 236.1, shall ensure the above process is followed and the documents needed for a T visa application are completed within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5). In accordance with Penal Code Section 236.5, where the department finds that certification is inappropriate for a victim of trafficking in persons, the department shall within 15 days provide the victim with a letter explaining the grounds of the denial. If the victim submits additional evidence, the department must reconsider the denial of the certification within one week of the receipt of additional evidence.

The department shall ensure the above process is followed and the documents needed for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 are processed

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within 90 days of a request from the victim or victim's family related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within 14 days of the request.

Emergency Utility Service

430.1 PURPOSE AND SCOPE

The University's Physical Plant has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

430.1.1 BROKEN WATER LINES

The University's response on any break or malfunction in the water system will be referred to the University's Physical Plant.

If a break occurs, emergency personnel should be called as soon as practical by the Communications Center.

430.1.2 ELECTRICAL LINES

When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Physical Plant should be promptly notified, as appropriate.

430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Physical Plant maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Center.

430.2 TRAFFIC SIGNAL MAINTENANCE

The University contracts with a private maintenance company to furnish maintenance for all traffic signals within the University, other than those maintained by the State of California.

430.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Patrol Rifles

432.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the UC Riverside Police Department will make patrol rifles available to qualified patrol officers as an additional and more immediate tactical resource.

432.2 PATROL RIFLE

432.2.1 DEFINITION

A patrol rifle is an authorized weapon which is owned by the Department and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Chief of Police and the department armorer.

432.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police, and issued by the Department may be used by officers in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the Colt AR-15 .223

432.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Rangemaster, who shall inspect and service each patrol rifle on a monthly basis.
- (b) Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
- (c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
- (d) Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label.
- (e) Each patrol rifle shall be subject to inspection by a supervisor or the Rangemaster at any time.
- (f) No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster.

432.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of an initial 24-hour patrol rifle user's course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required

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to successfully complete quarterly training and qualification conducted by a certified patrol rifle instructor.

Any officer who fails to qualify or who fails to successfully complete two or more department sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully completing the initial patrol officers user's course and qualification.

432.6 DEPLOYMENT OF THE PATROL RIFLE

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

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

432.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department's Deadly Force Policy, Policy Manual § 300.

432.8 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty, and a fully loaded magazine is inserted into the magazine well. There should not be a round in the chamber, the bolt should be forward, and the dust cover closed. The rifle is stored in the locked patrol vehicle's rifle rack or trunk.

432.9 RIFLE STORAGE

- (a) When not in use, patrol rifles will be stored in the department armory in rifle racks.
- (b) When not deployed, in-service patrol rifles should be secured in the vehicle in the locked gun rack.

Aircraft Accidents

434.1 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.

434.1.1 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.

434.2 POLICY

It is the policy of the UC Riverside Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

434.3 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).

434.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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434.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

434.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

434.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.

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- (d) Evacuation chutes, ballistic parachute systems and composite materials.

434.8 DOCUMENTATION

All aircraft accidents occurring within the University of University of California, Riverside 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 UCRPD members deployed to assist; other University resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

434.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

434.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

434.9 MEDIA RELATIONS

The Press Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Field Training Officer Program

436.1 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 UC Riverside 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.

436.2 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.

436.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of three years of patrol experience, two of which shall be with this department
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTOs
- (f) Possess a POST Basic certificate

436.2.2 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.

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Patrol Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings

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- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update, and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall FTO Program
- (g) Maintain liaison with FTO coordinators of other agencies
- (h) Maintain liaison with academy staff on recruit performance during the academy
- (i) Develop ongoing training for FTOs

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)).

436.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the UC Riverside Police Department who has successfully completed a POST approved Basic Academy.

436.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

436.5.1 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 UC Riverside 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 UC Riverside Police Department.

436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.

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- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

436.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

436.6.3 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.

436.6.4 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.

436.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations
- (b) End-of-phase evaluations
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

Obtaining Air Support

438.1 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.

438.2 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.

438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

438.2.2 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

440.1 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.

440.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

440.2 POLICY

The UC Riverside Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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440.3 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 UC Riverside Police Department to strengthen community involvement, community awareness, and problem identification.

440.3.1 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

440.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

440.5 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.

440.5.1 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.

440.5.2 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.

440.5.3 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 Section.

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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.

440.5.4 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.

440.6 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 UC Riverside 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

442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the UC Riverside Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

442.1.1 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.

442.2 POLICY

The UC Riverside 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, and to make every reasonable effort to suppress and investigate organized criminal activities within the Department's primary jurisdiction.

442.3 ORGANIZED CRIME COMPLAINTS

Any officer, upon the report or discovery of information regarding alleged organized criminal activity occurring within the primary jurisdiction of the Department, shall describe the concern within a crime report or other official police report, and submit it according to standard procedures. This includes information received via:

- (a) Anonymous tips.
- (b) Private persons' observations or knowledge.
- (c) The officer's direct observation or awareness.
- (d) Media sources.
- (e) Online sources.
- (f) Outside agencies.

The Criminal Investigations Bureau supervisor or manager is responsible for review of all such organized crime complaints and determining the appropriate initial response, in consultation with command staff members as needed. No reasonable opportunity to investigate the possible presence of organized criminal activity within the Department's primary jurisdiction should be ignored.

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All crime reports involving organized crime complaints should be assigned to a detective for further investigation.

442.3.1 RECORDS OF ORGANIZED CRIME COMPLAINTS

Crime reports or other official police reports involving alleged organized criminal activity will be assigned a case number and retained by the Records Section according to standard procedures.

442.3.2 MULTI-JURISDICTIONAL COOPERATION

Should a crime report or other official police report involving alleged organized criminal activity include information about activities occurring within another jurisdiction, the Criminal Investigations Bureau supervisor or manager is responsible to ensure such information is forwarded to that jurisdiction for assessment and any necessary follow-up. A record of what information was shared shall be retained as part of the case file.

The Criminal Investigations Bureau supervisor or manager, in consultation with command staff members as needed, is responsible for enabling cooperation with other law enforcement agencies as necessary and appropriate in efforts to investigate and address alleged organized criminal activity occurring within the primary jurisdiction of the Department.

442.4 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.

442.4.1 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 Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

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The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

442.4.2 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 Section 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 Section supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

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).

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442.5 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.

442.5.1 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 Section 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.
- (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.

442.5.2 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.

442.6 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

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Department supervisors who utilize an authorized criminal intelligence system should work with the Training Sergeant to train members to identify information that may be particularly relevant for inclusion.

442.7 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.

442.8 CRIMINAL STREET GANGS

The Investigative Bureau supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
 - 1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
 - 2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
 - 3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

442.9 TRAINING

The Training Sergeant 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.

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- (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.

442.9.1 SHARED GANG DATABASE TRAINING

The Training Sergeant should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).

Watch Commanders

444.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

444.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Sergeant is unavailable for duty as Watch Commander, in most instances the corporal or senior qualified senior officer shall be designated as acting Watch Commander. This policy does not preclude designating a less senior senior officer as an acting Watch Commander when operational needs require or training permits.

Mobile Data Center Use

448.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Center (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center.

448.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

448.3 POLICY

UC Riverside Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

448.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks 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 MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system without the member's consent. Members are required to log off the MDC or secure the MDC when it is unattended (IE: Locking vehicle doors). This added security measure will minimize the potential for unauthorized access or misuse.

448.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

448.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

448.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

448.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

448.6 EQUIPMENT CONSIDERATIONS

448.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify the Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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448.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

Bicycle Patrol Unit

452.1 PURPOSE AND SCOPE

The UC Riverside 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.

452.2 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.

452.3 TRAINING

Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

452.4 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

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Bicycle Patrol Unit

452.5 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of Vehicle Code §2800.1(b).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

452.6 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

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- (a) In response to an emergency call.
- (b) While engaged in rescue operations.
- (c) In the immediate pursuit of an actual or suspected violator of the law.

Foot Pursuits

456.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

456.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

456.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.

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Foot Pursuits

- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

456.3 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.

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- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

456.4 RESPONSIBILITIES IN FOOT PURSUITS

456.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

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456.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

456.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

456.4.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Watch Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

456.5 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.

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1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
 - (g) Arrestee information, if applicable.
 - (h) Any injuries and/or medical treatment.
 - (i) Any property or equipment damage.
 - (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

456.6 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

Body Worn Cameras - System-Wide Policy

461.1 DEFINITIONS

Activate - Any process that causes the body worn camera system to transmit or store video or audio data.

Body worn camera system, body worn camera, body worn video (BWV) - synonymous terms which refer to the camera system that captures audio and video signals, that is capable of wearing as part of the officer's uniform.

461.2 PURPOSE

The University of California is committed to officer safety and public safety. The University has equipped its police departments with body worn audio-visual cameras ("BWV's", "devices" or "cameras") for use as part of the officer's uniform for the recording of field activity in the course of official police duties. The cameras are intended to provide a visual and audio record of police duties, including public contacts, arrests, and critical incidents. BWV's provide documentation to be used in criminal investigations and prosecutions, internal or administrative investigations, training, and other circumstances. They also serve to enhance the accuracy of police reports, testimony in court, and enhance the Department's community relationship-based policing efforts.

Body worn cameras provide a limited perspective of any encounter and must be considered with all available facts and evidence, such as officer perception, witness statements, officer interviews, other available video documentation, forensic and/or expert analysis, and documentary evidence. Videos are a two dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. The cameras cannot always show the full narrative nor do they capture an entire scene. The use of cameras does not reduce or alter the requirement to provide thorough written documentation as required by this or other policies.

Persons reviewing recordings must be cautious before conclusions are reached about what the video shows, or when evaluating the appropriateness of an officer's actions in a particular situation. Evaluating an officer's actions must take into account a variety of factors and other circumstances.

The University is committed to officer safety and public safety. Officers must follow existing officer safety policies when contacting citizens or conducting vehicle stops as outlined in department policies and procedures. Officer safety and the safety of the public shall always be the primary consideration, not the ability to record an event. This policy is intended to balance the respect for privacy and other University values with legal, policy, and administrative obligations. Officers should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion at all times.

For purposes of this Chapter, BWV (body worn video) and BWC (body worn camera) may be used interchangeably.

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461.3 REQUIRED USERS

The following sworn personnel, from Lieutenant through Officer, are required to wear the BWV system while on duty, unless otherwise exempted by this Chapter or by the Chief of Police or designee

- (a) Uniformed personnel while on regular assignment or on overtime status;
- (b) Detectives working in the field in an enforcement or specialized investigative (e.g., gang task force, violent crime task force) capacity, unless the use of BWV may compromise the identity of an undercover officer, confidential informant, or jeopardize tactics;
- (c) Personnel serving a search warrant, unless the use of the BWV may compromise the identity of an undercover officer, confidential informant, or jeopardize officer safety or tactics. Any exception to recording pursuant to this subsection must receive prior approval from the Chief of Police or designee;
- (d) Other sworn personnel deemed appropriate by the Chief of Police or designee.

461.3.1 ASSIGNMENTS TEMPORARILY PREVENTING BWV USE

It is recognized that personnel subject to call out, motorcycle officers, or K9 unit officers may not have access to their BWV equipment prior to responding to a scene or participating in an enforcement or criminal investigation. In these cases, employees should retrieve their camera as soon as practicable.

461.4 DEPARTMENT ISSUED EQUIPMENT ONLY

Personnel assigned a BWV camera must not use any other non-Department issued video or audio equipment, such as personally owned video or audio equipment, mobile devices, or cell phones, to record enforcement or investigative activities involving members of the public unless authorized by the Chief of Police or designee.

Nothing in this policy precludes officers or other Department personnel from using authorized still photography equipment.

461.4.1 ASSIGNED BWV EQUIPMENT

Personnel shall only use BWV equipment assigned to them, unless authorized by a supervisor.

461.5 LOCATION OF BODY WORN CAMERA

The BWV camera generally consists of a body-mounted camera with a built-in microphone. The BWV shall be worn on the outside of the outermost garment (e.g., shirt, load-bearing vest, raincoat) or other departmental approved mounting option, on the upper torso, and facing forward in such a way to facilitate optimum recording field of view.

461.6 REQUIRED ACTIVATION OF BODY WORN CAMERA

Subject to the exceptions contained in this Chapter, or pursuant to the direction of a supervisor, officers shall activate their BWV device prior to initiating any criminal investigative or enforcement activity involving a member of the public as soon as practicable, including all:

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- (a) Vehicle or bicycle enforcement stops;
- (b) Pedestrian stops;
- (c) Calls for service;
- (d) Foot pursuits;
- (e) Searches (except strip searches);
- (f) Arrests;
- (g) Uses of force;
- (h) In-custody transports, except when the in-car video system is recording the transport;
- (i) Witness or victim interviews;
- (j) Forced entry search warrants/tactical deployments;
- (k) When weapons other than those in the possession of law enforcement are present or alleged to be present;
- (l) Any encounter that becomes adversarial after the initial contact;
- (m) Initial inventory of seized money or high value property;
- (n) Crowd management events if there is reason to believe that an event has the potential for unlawful activity or in the judgment of the Incident Commander that recording is appropriate;
- (o) Other investigative or enforcement activities where, in the employee's judgment, a video recording would assist in the investigation or prosecution of a crime, or assist in documenting the incident for later investigation or review.

461.6.1 EXCEPTIONS TO REQUIRED ACTIVATION OR CONTINUED RECORDING

Exceptions to required activation or continuation of the BWV recording are:

- (a) When, in the employee's judgment, activation, continuing to record, or changing the BWV functions would jeopardize their safety or the safety of the public. However, the employee shall activate or re-activate their BWV as soon as it is safe and practicable to do so unless other exceptional circumstances exist;
- (b) When, in the employee's judgment, a recording would interfere with their ability to conduct an investigation;
- (c) When recording could risk the safety of a confidential informant, citizen informant, victim, or undercover officer;
- (d) In patient care areas of a hospital, clinic, rape treatment center, or other healthcare facility (including mental health) unless enforcement action or evaluation by the employee under W&I §5150 et seq. is being taken in these areas. If recording is necessary, personnel shall make reasonable efforts to avoid recording individuals other than the subject;
- (e) Once a crime scene is secured and the employee no longer has an investigative role, and where the chance of encountering a suspect is unlikely;

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- (f) Prior to or while discussing a case on scene with other personnel or during on-scene tactical planning;
- (g) When, in the employees judgment, privacy concerns outweigh any legitimate law enforcement interest in recording;
- (h) When a call for service is a phone call or phone report only;
- (i) When ordered to stop recording by a supervisor;
- (j) When the recording of a person is in violation of the law.

461.6.2 DISCRETIONARY ACTIVATION

There are many enforcement or criminal investigation situations where the use of the BWV is appropriate, and this policy is not intended to describe every circumstance in which recording would be appropriate or otherwise further the purpose of body cameras. In addition to the circumstance in which activation is required, personnel should activate the camera any time they feel its use would be appropriate and valuable to document an on-duty incident, unless otherwise prohibited by this policy or law.

461.6.3 RECORDING OF AN ENTIRE EVENT

Once activated, the BWV shall remain on until the conclusion of the contact or event, unless authorized by a supervisor or otherwise permitted under this Chapter.

461.6.4 DOCUMENTATION OF RECORDINGS, FAILURE TO ACTIVATE, OR DISCONTINUATION OF BWV RECORDINGS

Personnel shall document, in the appropriate report (e.g., police report, traffic citation, CAD entry), if they have captured an incident, did not capture an incident, and/or if they interrupted the recording for any reason.

If an employee does not activate the BWV prior to initiating an enforcement or investigative contact, fails to record the entire contact, or interrupts the recording for any reason, the employee shall notify their supervisor of the reason(s) and document the reason in the appropriate report.

461.6.5 PROHIBITED BWV RECORDING

Members of this department shall not activate their BWV or otherwise record audio or video in the following situations:

- (a) Department briefings, meetings, roll calls or while in private Department spaces such as locker rooms, break rooms or restrooms;
- (b) Non-work related activities or other activities not related to enforcement contact or criminal investigation;
- (c) Private conversations with any other member of the Department without the written consent of all involved parties;
- (d) Department administrative investigations;
- (e) Public safety walk-through/statement, homicide or other major crime briefings;

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- (f) Depositions, court proceedings, pre-trial conferences, or any other judicial or quasi-judicial proceedings (e.g., administrative hearings such as Department of Motor Vehicle hearings);
- (g) While in a facility whose primary purpose is to provide psychiatric or medical services unless responding to a call for service involving a subject or taking a subject, victim, or witness statement;
- (h) While inside jail facilities when prohibited by the jail facility;
- (i) Any area where audio or video recording is prohibited by law.

Nothing in this section is intended to preclude personnel activating the BWV when confronting a violent or assaultive suspect or other circumstance where a reasonable use of force may be anticipated or interfere with the ability to otherwise openly audio record an interrogation pursuant to California Govt. Code §3303(g).

461.7 NOTICE TO MEMBERS OF THE PUBLIC OF BWV RECORDING

Personnel are not required by law or this Chapter to obtain consent from members of the public when the employee is lawfully in an area where the recording takes place. However, personnel may inform individuals they are recording, when feasible to do so, particularly when the advisement may gain compliance or cooperation, or assist in an investigation.

In addition, personnel entering into a private space, (e.g., residences, restrooms, locker rooms), must make a reasonable effort to notify the occupants that the BWV is present before entering the area, unless: the employee enters the area pursuant to a warrant; such notice would, in the employee's judgment, jeopardize their safety or the safety of the public; such notice would compromise an investigation or tactics; or if other exigent circumstances exist.

461.7.1 PLAYBACK OF BWV RECORDING - PUBLIC VIEWING

Personnel should not play back BWV recordings to allow members of the public to review the video footage in the field without supervisor approval, and any play back must be documented in the appropriate report.

461.8 TRAINING

Personnel who are assigned the BWV must complete Department approved training in BWV policies, proper use, and maintenance of the device before using the system in the field. Supervisors must complete Department approved training in the supervision and management of the BWV system.

Supplemental training will be conducted when deficiencies are identified in policy compliance, use, maintenance, or supervision and management of the BWV system. Additional appropriate training will also be conducted should there be changes in policy, hardware, or software that affects the use, maintenance, supervision, or management of the system.

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461.9 INSPECTION AND TESTING OF EQUIPMENT

Personnel shall be responsible for inspecting and testing their BWV equipment at the start of their shift and shall ensure that the equipment is properly functioning. Personnel shall notify their supervisor, in writing, if the BWV equipment is not properly functioning. For purposes of this Chapter, "in writing" shall include e-mail.

461.9.1 DAMAGED, MALFUNCTIONING OR INOPERABLE EQUIPMENT

The BWV equipment is the responsibility of the assigned personnel and must be used with reasonable care to ensure proper functioning and reliability. If the BWV malfunctions or is damaged or inoperable, personnel shall notify the on-duty supervisor. Personnel shall inspect their BWV equipment as part of their daily vehicle and equipment inspection. Supervisors will include BWV equipment in their regular inspections.

If feasible, the supervisor shall provide personnel with a functional BWV prior to the employee deploying to the field. However, the lack of a BWV unit shall not prevent personnel from working their shift or assignment.

461.10 LABELING, CATEGORIZING, AND UPLOADING RECORDINGS

Personnel shall label, categorize and upload their BWV recordings into the BWV data storage system in accordance with UCRPD procedure(s).

461.11 VIEWING RECORDINGS BY RECORDING OFFICER

Subject to the exceptions in this Chapter, personnel should review BWV recordings on their assigned device or authorized computer prior to documenting an incident, arrest, search, interview, use of force, or other enforcement or investigative activity to assist with reports, statements, and documentation that are accurate and complete. Personnel must not use the fact that a recording was made to avoid preparing an accurate, detailed, and complete report.

461.12 MODIFICATION, ALTERATION, OR DELETION

No employee shall modify, alter, or delete video or audio once recorded by the BWV camera, except as authorized by Department policy.

461.12.1 REQUEST FOR DELETION OF ACCIDENTAL RECORDING

In the event of an accidental activation of the BWV where the resulting recording is of no potential investigative or evidentiary value, the recording employee may request that the BWV file be deleted by submitting a request in writing to the Chief of Police or designee who shall review the recording, and if approved, send the request to the system administrator for deletion.

461.13 RESTRICTION OF PERSONAL OR SENSITIVE INFORMATION

In the event of a BWV recording that captures sensitive or personal information for which access should be restricted ("restricted recording"), personnel may submit a request in writing to the Chief of Police or designee to restrict access to that portion of the recording. The Chief of Police or designee will determine what, if any, portion of the recording shall be restricted. The system

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manager will then restrict access to only that portion of the recording that is approved. The remainder of the recording will be maintained consistent with existing policy.

461.13.1 ACCESS TO RESTRICTED RECORDING BY AUDITOR OR INVESTIGATOR

The Chief of Police or designee may allow an investigator or auditor to view a recording that has been restricted if the request is necessary in order to conduct an authorized criminal investigation, administrative investigation, or a Department inspection or audit.

Prior to granting access, the Chief of Police or designee must notify the employee who originally requested that the recording be restricted. If the original employee objects to the review, they shall immediately notify the Chief of Police or designee of the objection in writing within seven calendar days of receiving notification. Absent exigent circumstances, the restricted portion of the recording shall not be disclosed or reviewed by others until the Chief of Police or designee has made a determination regarding the objection and disclosure. Once a final determination has been made, the original requesting employee will be notified in writing within fourteen days prior to release of the restricted information.

When notification of a request to review a restricted recording would compromise an ongoing administrative or criminal investigation, the notification requirement shall not apply if approved by the Chief of Police or designee.

461.13.2 ACCESS TO RESTRICTED RECORDING BY LAW ENFORCEMENT OR BY LEGAL OBLIGATION

If a restricted recording is requested by another law enforcement agency, or the Department is required to produce it by law, the employee who originally requested the information be restricted will be notified, absent exigent circumstances, of the request or legal requirement, within 48 hours, in writing.

461.14 UNAUTHORIZED ACCESS TO RECORDINGS PROHIBITED

Although the data captured by the BWV is not considered Criminal Offender Record Information ("CORI"), it shall be treated as such and in accordance with Department policy regarding access to CORI. All access to the system must be logged and is subject to audit at any time. Accessing, viewing, copying, or releasing BWV data, including recordings, for non-law enforcement purposes not otherwise authorized by this Chapter is strictly prohibited and will result in disciplinary action.

Access to BWV data shall only be from Department authorized computers, Department work stations or the BWV cameras. However, administrative users of the BWV data or evidence management system may access the data from a Department authorized device outside of the Department for the purpose of completing administrative tasks, such as locking or unlocking users.

461.15 COPYING OF BWV RECORDING OR DATA

Personnel shall not make copies of any BWV recording for personal use or to share with unauthorized individuals or entities (including, but not limited to, the public, the media, and social media). Only department authorized devices shall be used to copy, view, share, or otherwise

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distribute BWV recordings. Digital evidence captured by BWC are investigative records and shall be handled pursuant to existing Department policies and procedures.

461.16 REVIEW OF BWV RECORDINGS BY DEPARTMENTAL EMPLOYEES

Access to BWV data shall be limited as follows, unless otherwise provided for in this Chapter:

- (a) Personnel may view their own BWV data for official Department business;
- (b) Any employee may review BWV data as it relates to:
 - 1. Their involvement in an incident for purposes of completing a criminal investigation and/or preparing official reports;
 - 2. Prior to courtroom testimony, courtroom presentation, or testimony at a quasi-judicial administrative hearing;
 - 3. Providing a statement in an administrative investigation;
 - 4. Providing a statement in a criminal investigation, including officer-involved shooting investigations and other uses of force;
- (c) When exigent circumstances exist, such as identifying a suspect or other pertinent information in the event of injured personnel;
- (d) Supervisors and/or investigators who are investigating an allegation of misconduct, may view the recording in order to assist in the investigation. For citizen complaints, a supervisor may independently review applicable video. For internally generated allegations of misconduct, a supervisor shall receive authorization from the Chief of Police or designee to review any applicable video;
- (e) Sergeants will randomly review BWV recordings of the officers and personnel assigned to their team or under their command to ensure compliance with this policy. Sergeants will review one recording of designated personnel per month. The Sergeant will document the review in the Audit Log housed on the Department share drive. Any BWV system policy violations or equipment deficiencies identified will be documented and remedied. The method of random selection will be agreed upon between the Federated University Police Officers Association (FUPOA) and the UC Council of Chiefs. Any criminal activity will be investigated. Patrol Division Lieutenants will review the Audit Log bi-monthly for their personnel to ensure compliance with this policy;
- (f) To allow for necessary administrative functions such as BWV data management, system maintenance and repair, and evidence management;
- (g) Command staff, supervisors, and authorized Department personnel may conduct random periodic inspections and reviews to determine whether Department personnel are accessing BWV recordings and data for legitimate and authorized purposes;
- (h) Command staff and supervisors may review BWV recordings, but not in violation of 444.27, as follows:
 - 1. When necessary as part of their administrative duties (e.g., use of force reporting, etc.) and the report approval process;
 - 2. To ensure that the video and audio was properly captured, uploaded/downloaded;

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3. To ensure that the video and audio was categorized appropriately for evidentiary or retention purposes;
4. To conduct roll call training on expectations, use and maintenance of BWV equipment. Any use of BWV recordings for training must comply with Section 444.27 of this Chapter;
5. To debrief BWV-captured incidents of value after obtaining authorization from the Chief of Police or designee;
6. In order to resolve citizen complaints.

This section does not apply to sworn personnel providing a public safety statement following a critical incident.

461.16.1 RESTRICTION ON USE FOR MONITORING FOR VIOLATIONS OF POLICY/LAW

It shall be a violation of this policy for supervisors to review recordings for the sole purpose of looking for violations of Department policy or law not related to a specific complaint or incident. This section is not intended to restrict Command staff from performing monthly viewings of an employee's recordings.

461.17 USE OF RECORDINGS FOR TRAINING

A BWV recording may be used for training, as long as the recording will not be used for disciplinary purposes. Any person recommending a particular recording shall submit the recommendation through the chain of command.

The Chief of Police or designee must notify the recording employee and any depicted personnel of the intent to use the recording for training. If any such employee objects to the review, they shall immediately notify the Chief of Police or designee of the objection orally or in writing. The Chief of Police or designee shall determine whether an employee's objection outweighs the training value.

461.18 USE OF DEADLY FORCE – HANDLING OF RECORDING

For any use of force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury, the following shall apply:

- (a) The supervisor of the involved officer(s) must take possession of their BWV equipment as soon as possible, ensuring that recording has stopped and that the power is off, and maintain custody until the BWV is transferred to the assigned investigator;
- (b) The Chief of Police or designee will assign an investigator, and the assigned investigator shall take possession of the BWV camera, and perform the upload process, if necessary;
- (c) In order to protect the integrity of the video and to ensure that the video is properly uploaded, the officer(s) involved shall not be allowed to review the BWV recording prior to turning over the BWV equipment to the supervisor.
- (d) The involved officer shall be permitted to view the BWV video of the incident once the video has been uploaded to the server. If the officer chooses not to view the video prior to giving an initial statement, the officer will have an opportunity to review the

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recording(s) after the initial statement has been taken and provide a supplemental statement if desired.

- (e) Prior to viewing the BWV, the officer must read and sign the Video/Audio Evidence Review Acknowledgment. [See attachment: Video Audio Evidence Ackn.pdf](#)
- (f) The fact that the officer was given the opportunity to review the BWV should be documented, as well as the time, date and location of any such viewing;
- (g) Supervisors shall not view the BWV recording without express permission from the Chief of Police or designee;
- (h) Use of the BWV will be properly documented in the appropriate report(s), and the recording booked into evidence;
- (i) Supervisors shall ensure that BWV information is compiled for department review boards and/or administrative review reports (e.g., pursuit review, use of force review, etc.), when applicable.

461.18.1 OTHER USE OF FORCE– HANDLING OF RECORDING

For any use of force not covered by Section 461.27, the following shall apply:

- (a) Supervisors shall allow involved officer(s) to review their own BWV recordings;
- (b) Supervisors shall allow involved officer(s) to review other BWV recordings, if deemed necessary to assist with complete and accurate reports and documentation of the incident;
- (c) Prior to viewing the BWV, the involved officer(s) must read and sign the Video/Audio Evidence Review Acknowledgment. [See attachment: Video Audio Evidence Ackn.pdf](#)
- (d) Use of the BWV will be properly documented in the appropriate report(s), and the recording booked into evidence;
- (e) Supervisors shall ensure that BWV information is compiled for department review boards and/or administrative review reports (e.g., pursuit review, use of force review, etc.), when applicable.

461.19 RETENTION

Digital evidence captured by BWC shall be treated as an investigative record and handled pursuant to existing Department retention policies and procedures.

461.20 PRODUCTION OF BWV RECORDING AS REQUIRED BY LAW

Production of BWV recordings to the public shall be in accordance with the law, and with the approval of the Chief of Police or designee.

Homeless Persons

462.1 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 UC Riverside Police Department recognizes that members of the homeless community are often in need of special protection and services. The UC Riverside 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:

462.1.1 POLICY

It is the policy of the UC Riverside 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.

462.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

- (a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
 1. Proper posting of notices of trespass and clean-up operations.
 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

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462.3 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.

462.3.1 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.

462.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be

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taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

462.5 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.

462.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Public Recording of Law Enforcement Activity

463.1 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.

463.2 POLICY

The UC Riverside 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.

463.3 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.

463.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

463.5 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.

463.6 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.
 - (a) Absent exigency or consent, a warrant shall be sought before seizing or viewing such recordings in accordance with 1546.1(c)(1)PC. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Crisis Intervention Incidents

464.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

464.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

464.2 POLICY

The UC Riverside Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

464.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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464.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

464.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
 1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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464.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

464.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

464.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.

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- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

464.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

464.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

464.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

464.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to

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these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

464.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

First Amendment Assemblies

465.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

465.2 POLICY

The UC Riverside 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.

465.3 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) 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.

465.3.1 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

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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.

465.4 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.

465.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

465.5.1 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.
- 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.

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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).

465.5.2 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 University administration 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.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

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465.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

465.6 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.

465.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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.

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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.

465.8 ARRESTS

The UC Riverside 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).

465.9 MEDIA RELATIONS

The Press Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

465.9.1 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).

465.10 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

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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.

465.11 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)

465.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with University 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.

465.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

465.13 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

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to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
 - 1. A violation of an imposed curfew.
 - 2. A verbal threat.
 - 3. Noncompliance with a law enforcement directive.
- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

465.13.1 USE SUMMARY

The Patrol Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

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465.14 ANTI-REPRODUCTIVE RIGHTS CALLS

Officer response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

Suspicious Activity Reporting

466.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

466.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

466.2 POLICY

The UC Riverside 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.

466.3 RESPONSIBILITIES

The Investigative Services 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 Investigative Services 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.

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

466.4 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 non-sworn 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.

466.5 HANDLING INFORMATION

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Investigative Bureau supervisor.
- Crime Analysis Unit.
- Other authorized designees.

Mobile Audio/Video

467.1 PURPOSE AND SCOPE

The UC Riverside Police Department has equipped marked patrol cars with Mobile Audio/Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

467.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio/Video (MAV) system- Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician -Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

467.2 POLICY

It is the policy of the UC Riverside Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

467.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only UC Riverside Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

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467.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

467.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops).
 - 2. Priority responses.
 - 3. Vehicle pursuits.
 - 4. Suspicious vehicles.
 - 5. Arrests.
 - 6. Vehicle searches.
 - 7. Physical or verbal confrontations or use of force.
 - 8. Pedestrian checks.
 - 9. DWI/DUI investigations including field sobriety tests.
 - 10. Consensual encounters.
 - 11. Crimes in progress.
 - 12. Responding to an in-progress call.
- (b) All self-initiated activity in which an officer would normally notify the Communications Center.
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
 - 1. Domestic violence calls.
 - 2. Disturbance of peace calls.
 - 3. Offenses involving violence or weapons.

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- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate.

467.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

467.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

467.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of the Communications Center.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
 1. The tracking number of the MAV system media.
 2. The date it was issued.
 3. The law enforcement operator or the vehicle to which it was issued.
 4. The date it was submitted.
 5. Law enforcement operators submitting the media.
 6. Holds for evidence indication and tagging as required.
- (c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor

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shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

467.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements.
- (b) By a supervisor investigating a specific act of officer conduct.
- (c) By a supervisor to assess officer performance.
- (d) To assess proper functioning of MAV systems.
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.
- (f) By department personnel who request to review recordings.
- (g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment.
- (h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee.
- (i) By the media through proper process or with permission of the Chief of Police or the authorized designee.
- (j) To assess possible training value.
- (k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection.

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Watch Commander. Approved requests should be forwarded to the MAV technician for processing.

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In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

467.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation, indicating that the incident was recorded.

467.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule (Government Code § 34090.6).

467.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

467.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer, or against the UC Riverside Police Department, should indicate that in an appropriate report. Officers should ensure relevant recordings are preserved.

467.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.
- (e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

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- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

467.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
 - 1. Ensures it is stored in a secure location with authorized controlled access.
 - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
 - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

467.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

Automated License Plate Readers (ALPRs)

468.1 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.

468.2 POLICY

The policy of the UC Riverside 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.

468.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the UC Riverside 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 Support Services Division Commander. The Support Services Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

468.3.1 ALPR ADMINISTRATOR

The Support Services Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.

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- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

468.4 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.

468.5 DATA COLLECTION AND RETENTION

The Support Services Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

468.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The UC Riverside 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):

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- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

468.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Support Services Division Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

468.8 TRAINING

The Training Sergeant 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).

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 UC Riverside Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 MOTORIST STOPS

Upon the decision to initiate the stop of a motorist, the primary officer should notify dispatch and provide the location (actual or anticipated), license plate number and vehicle description. Officers should conduct the stop in a manner consistent with best practices and the following guidelines.

- (a) Officers should select a location that provides the highest degree of safety for both the officer and the motorist.
- (b) Officers should primarily use emergency lights, and siren only as necessary, to conduct the stop.
- (c) If utilizing a patrol vehicle for the stop, officers should position their vehicle in such a manner to maximize their own safety during the stop, taking into consideration both

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potential threats inside the motorist vehicle and threats from traffic present at or near the location of the stop.

- (d) Officers should evaluate the necessity of keeping the emergency lights activated during the stop. Consideration should be given foremost to maximizing officer and stopped vehicle safety, while keeping distraction of passing motorists in mind. Other lights and signals available on the vehicle should be activated based on need and appropriateness for the circumstances.
- (e) Officers using a patrol vehicle shall ensure that their car is in "park" before exiting the vehicle.
- (f) Officers should select a side of the vehicle for approach that maximizes their safety given the individual situation, and shall remain alert to safety concerns from within the vehicle, by passing traffic, as well as factors present in the surrounding area.

At the conclusion of the stop, the officer should allow the motorist to safely leave the location of the stop before departing.

500.3.1 INTERACTION WITH STOPPED MOTORISTS

Prior to engaging in any questioning related to a criminal investigation or traffic violation, the officer must state the reason for the stop. This requirement does not apply if the officer reasonably believes that withholding the information is necessary to protect life or property from imminent threat.

During the stop of a motorist, officers are expected to maintain a professional and courteous demeanor. Officers should recognize that stopped motorists and their passengers are likely to be anxious, and some may become argumentative or defensive. Officers should attempt to deescalate these situations by using the following standardized approach:

- (a) Greeting (e.g. "Good morning/afternoon/evening").
- (b) Identify yourself and the department by name.
- (c) Briefly explain the reason for the stop.
- (d) Request the motorist's license, the vehicle's registration, and proof of insurance (as applicable).
- (e) Inquire if there was a reason for the observed violation (e.g. emergency, equipment malfunction, distraction, etc.).

After contacting the motorist and collecting any needed documents, the officer should move to a safe position, **preferably adjacent to the patrol vehicle on the non-traffic side, or other position of safety**, to conduct appropriate records checks and prepare any citation or other necessary paperwork. Officers should minimize the number of re-approaches to the vehicle, and should make every effort to obtain all of the necessary information at the first approach.

Upon determining the appropriate course of action, the officer should complete the necessary documentation and then re-contact the motorist. Officers should **only** ask the motorist to exit the vehicle if there is a specific need and it is safe to do so. The officer should then explain their

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decision to the motorist. **The initial, any intermediate, and final approach should be conducted with the same level of courtesy and officer safety as any enforcement contacts.**

If the officer issues a citation, they shall request the motorist's signature (and thumbprint, if applicable) and then provide them with a copy of the completed citation. That completed citation shall contain documentation of the officer's reason for stopping the motorist, as given at the outset of questioning.

If the motorist will be released from the scene of the stop, the officer should clearly communicate to the motorist when they are free to leave and close the conversation in a professional manner. The officer shall ensure they return all documents that they collected from the motorist prior to completing the stop.

500.3.2 HIGH RISK STOPS

All vehicle stops present potential unknown safety risks to officers, but in certain circumstances there may be specific reasons to believe they present a high risk, such as when one or more occupants are suspected to be armed and/or dangerous. High-risk stops require additional caution and the use of procedures intended to mitigate those risks. Officers should evaluate and conduct high-risk stops in a manner consistent with the following guidelines:

- (a) Officers should immediately notify dispatch when they anticipate the need for a high-risk stop and provide the current location, direction of travel, and a thorough description of the vehicle and all occupants.
- (b) If possible, officers should avoid initiating the stop until additional officers are in a position to assist immediately. Outside agency assistance may be requested if insufficient officers from this department are nearby. If the stop has already been made or must be made, the primary officer should maintain a position of cover and wait for additional officers to arrive before proceeding.
- (c) High-risk stops should only be initiated by a marked police car, using emergency lights and siren as necessary.
- (d) Officers should attempt to select the safest possible location for a high-risk stop, with particular concern for minimizing danger to the public and involved officers.
- (e) The primary unit should place their police car in a position that maximizes their safety and grants them the ability to control the situation, bearing in mind responding units and their likely positioning.
- (f) As circumstances allow, the second and third police cars at the scene should be positioned to the left and right of the primary unit, canted towards the motorist's vehicle and spaced with sufficient room for all police cars to open their front doors. Any additional police cars should be positioned further to the rear and parked, or used to divert traffic / pedestrians from the scene, or staged to pursue as necessary.
- (g) Officers should keep emergency lights activated during the duration of the stop, and may use spotlights or other lights to illuminate the stopped vehicle during hours of darkness or when otherwise appropriate. Officers should take care not to backlight other officers or vehicles which they may be parked behind.

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- (h) Only one officer at a time (usually the primary officer) should issue commands to the occupant(s) of the stopped vehicle, using any available public address speaker system (unless there is a specific reason not to do so).
 - 1. The occupants of the stopped vehicle should be instructed to keep their hands in sight at all times and to make no sudden movements.
 - 2. The driver of the stopped vehicle should be instructed to shut off the ignition, remove the keys and place them in a designated location outside of the vehicle (often the vehicle hood or roof).
 - 3. One at a time, each occupant should be instructed to exit the vehicle, move to a safe location and assume a position of disadvantage (e.g. kneeling, prone).
- (i) As coordinated by the primary officer, cover officers should approach, handcuff, search, and secure each occupant.
- (j) Before approaching the stopped vehicle, the primary officer should attempt to call out any occupant who may yet remain inside. As coordinated by the primary officer, cover officers should cautiously approach the stopped vehicle and perform a safety sweep for remaining occupants or any threats that may be present. The vehicle trunk lid should be checked that it is latched before proceeding past that point to ensure no concealed occupants are hiding in that location for a potential ambush and cross fire situation.
 - 1. Any canine unit at the scene capable of conducting such a sweep may be utilized accordingly.
- (k) Once all occupants have been secured, the vehicle safety sweep has been completed, and prior to allowing any occupant or other person to return to the vehicle, any additional lawful search should be conducted.

Officers involved in a high-risk stop must be flexible and make adjustments in accordance with the conditions at the scene.

500.4 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:

500.4.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

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500.4.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court
- (d) If the owner or employer (when not the driver) is responsible for resolution of a violation pursuant to 40001 VC.

The officer issuing the citation should also ensure that the recipient is aware of the information and instructions on the reverse side of violator's copy of the citation form.

500.4.3 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

500.4.4 ENFORCEMENT FORMS AND EQUIPMENT

Officers who conduct traffic enforcement and/or issue citations for traffic violations are responsible for maintaining all necessary and appropriate forms, reference materials, and equipment while performing such tasks. All officers are expected to properly complete and submit all forms and paperwork.

500.5 SPECIAL TRAFFIC ENFORCEMENT PROCESSING REQUIREMENTS

500.5.1 JUVENILES

Traffic offenses committed by juveniles age 15.5 and older shall be processed in the same manner as those committed by adults, except:

- (a) The juvenile's home phone number, school, grade, and parent's name(s) should be obtained and included with the citation, and;
- (b) Juveniles should be told that one or both parents or guardian must accompany them when appearing in court for a traffic violation.

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Traffic infractions by juveniles under age 15.5 should be resolved by parent/guardian contact, or by education and a warning.

Juveniles who are physically arrested for a traffic offense will be processed according to the nature of the offense and relevant department policy.

500.5.2 MILITARY PERSONNEL DURING THE PERFORMANCE OF THEIR DUTIES

Military personnel are subject to moving violations committed during the performance of their duties. However, officers should avoid initiating a stop on military personnel who are operating United States military equipment unless public safety is endangered as a result of vehicle code violations.

500.5.3 STATE AND FEDERAL LEGISLATORS

Members of the legislature of the State of California, as well as members of the legislature of other states, and of the federal government, are not exempt from the laws of the State of California.

As with all members of the public, officers are encouraged to determine the appropriate enforcement action and apply the department's policies concerning traffic enforcement in a fair, consistent, unbiased manner.

Any officer who detains a legislator of any state or the federal government shall notify a supervisor without unnecessary delay.

500.5.4 FOREIGN DIPLOMATS AND CONSULAR OFFICIALS

The Vienna Convention on Diplomatic Relations, which contains the current law of the subject of diplomatic privileges and immunities, is incorporated in federal law by the Diplomatic Relations Act of 1978 (P.L. 95-393). The convention applies to members of the staff of a foreign diplomatic mission, which includes administrative, technical, and service staff members of embassies in the United States. The following conditions result from that law:

- (a) Diplomatic agents and members of their families who are not nationals of the United States have full immunity from arrest, detention, or prosecution for any criminal offense, unless such immunity is expressly waived by the mission's government. The above individuals also enjoy immunity from civil process except in certain actions involving private activities outside of their official functions.
- (b) The administrative and technical staff of a foreign mission and members of their families who are not permanent residents of the United States, have full immunity from arrest, detention, or prosecution for any criminal offense. Such employees' immunity from civil process extends only to those actions carried out in the official capacity. Family members of such employees are not immune from civil actions.
- (c) Members of the service staff of a foreign diplomatic mission, which includes drivers, messengers, and security guards, enjoy immunity only for actions carried out in the course of their official duties. Family members of such individuals have no immunity.
- (d) Private servants of embassy personnel have no immunity.

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In any case where an officer has contacted a person who has diplomatic immunity, that officer shall forward a detailed memorandum of the circumstances, via their chain of command, to the Chief of Police.

For all traffic stops, detentions, and arrests of foreign nationals, officers shall comply with all United States Department of State requirements involving consular notification and access. Please refer to the department Foreign Diplomatic and Consular Officials policy for enforcement directives involving diplomatic/consular officials, and other requirements for officers and supervisors.

500.5.5 DIPLOMATIC IMMUNITY AND DUI

If a person with diplomatic immunity is stopped for DUI, the officer's primary consideration shall be that the official is not a danger to themselves or the public. The official shall not be handcuffed or subjected to ANY type of sobriety test. The officer shall treat the official with respect and courtesy, and impress upon them that the primary concern is to care for their safety and the safety of others.

The officer shall immediately contact the shift supervisor and based upon a determination of the circumstances, the following options are suggested:

- (a) Offer the official the use of a telephone so that a relative or friend can be contacted to arrange for transportation.
- (b) Arrange for transportation to the official's home or office.
- (c) The official may be voluntarily transported to the station or other location where they can recover sufficiently to enable them to proceed safely.

The officer and supervisor shall ensure that an official police report is completed and the Field Operations Division Commander is notified.

Consulate notification and access requirements as specified by the U.S. Department of State must be strictly followed. Refer to the department Foreign Diplomatic and Consular Officials policy for officer and shift supervisor requirements.

500.6 TRAFFIC LAW ENFORCEMENT POLICIES

500.6.1 DEGREE OF HAZARD

Officers should strongly consider the degree of hazard presented by the violation of a traffic law or regulation when determining whether or not to initiate a detention or take enforcement action. An evaluation of the hazard presented may include, but is not limited to, the following factors:

- (a) The nature and severity of the violation.
- (b) Any harm caused or likely to be caused by the type of violation, whether to the violator and/or others.
- (c) The immediate conditions and context (location, time of day, weather, traffic flow, etc.).
- (d) Location-specific collision history.
- (e) Recent traffic trends or issues.

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- (f) Related directed patrol efforts or campaigns.

Officers should prioritize their efforts to address violations that present hazards, but may initiate a detention and take enforcement action for non-hazardous violations. Citations or verbal warnings may be issued at the discretion of the officer.

500.6.2 IMPAIRED DRIVING

See the department policy on Impaired Driving.

500.6.3 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.

500.6.4 SPEEDING AND OTHER MOVING VIOLATIONS

Officers may enforce speed and other moving violations by use of speed measuring devices (so long as the officer has the required training and certification for the device used), pacing observation, or calculated speed estimation.

Officers should consider appropriate factors when enforcing laws of speed and other moving violations, including time of day, traffic flow, weather conditions, and location.

Speed and other moving violations shall be enforced by either a citation or verbal warning.

500.6.5 EQUIPMENT AND REGISTRATION VIOLATIONS

Officers may initiate the detention of a motorist for equipment and/or registration violations as specified within the California Vehicle Code and other laws or regulations, but equipment and/or registration violations which do not present a safety hazard to the vehicle's occupants or to other motorists or persons should be considered the lowest priority.

Officers may issue citations for equipment and/or registration violations, except that officers should not issue citations for such violations that can be remedied immediately.

Whenever a vehicle is found or operated upon a public highway or on an off-street parking facility with a registration expiration date in excess of six months, whether occupied or unoccupied, an officer may remove and store such vehicle pursuant to section 22651(o) of the California Vehicle Code.

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500.6.6 COMMERCIAL VEHICLE VIOLATIONS

For the safety of passengers and the general public, officers may enforce laws and regulations governing public carriers and commercial vehicles, including by inspection, administrative action, warning, citation, or arrest as necessary.

500.6.7 OFF-HIGHWAY VEHICLE VIOLATIONS

Officers should attempt appropriate enforcement action for all observed or reported violations committed by operators of off-highway vehicles, as authorized by the California Vehicle Code or other laws and regulations, including:

- (a) Removal of unlicensed vehicles from the streets and highways.
- (b) Violation of off-road vehicle registration laws.
- (c) Misuse of public trails.
- (d) Improper use of street and highway crossings.
- (e) Citizen complaints of excessive noise, trespass, and/or property damage.
- (f) Status as juvenile offenders.

Off-highway vehicles may include, but are not limited to, dirt bikes, all-terrain vehicles, motorcycles, four-wheel drive vehicles, and dune buggies. Collisions involving off-road vehicles should be investigated according to the applicable criteria and procedures for public and private collisions as directed by the California Highway Patrol Collision Investigation Manual.

Pursuits of off-highway vehicles should be discontinued if transitioning to off road terrain. Consideration of the instability of off-highway vehicles handling characteristics at increased speeds on paved roadways should be taken into consideration when initiating enforcement contacts.

500.6.8 NEWLY ENACTED LAWS AND/OR TRAFFIC CONTROLS

For the first four (4) weeks after the enactment of new traffic laws or regulations, or following the installation of new traffic control devices, officers should issue verbal warnings in lieu of citations for such violations. The Patrol Operations Division Commander may adjust the length of this default grace period by issuing a temporary directive.

500.6.9 VIOLATIONS RESULTING IN TRAFFIC COLLISIONS

An officer investigating a traffic collision may take enforcement action when they have identified a violation of a traffic or relevant law and evidence exists to satisfy all the elements of that particular violation, as follows:

- (a) The officer may take immediate enforcement action and issue a Notice to Appear at the scene of the collision, even if the violation did not occur in their presence, if that officer has successfully completed collision investigation training, as required by CVC §40600(a).
- (b) If the officer observes the violation, and after responding to the collision chooses to do so, they may issue a Notice to Appear based on that observation.

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- (c) If circumstances warrant, an officer may make an arrest for driving under the influence at a collision scene, if evidence is in accordance with CVC §40300.5.
- (d) If the identity of a driver who was involved in an collision but left the scene, is determined through an officer's investigation, an arrest warrant may be sought.

If an officer makes an arrest at a collision scene and takes the driver into custody, the officer shall complete a Crime Report in addition to the traffic collision report.

500.6.10 PEDESTRIAN VIOLATIONS

The department recognizes that traffic violations committed by pedestrians can lead to collisions, property damage, injury, and death. Whether on or off-campus, pedestrians are expected to comply with applicable traffic laws.

Officers should only initiate the detention of a pedestrian solely to enforce a traffic infraction when there is probable cause to believe the pedestrian has committed that infraction, and in the officer's judgment the pedestrian acted in a reckless or dangerous manner.

Officers should attempt to address and correct pedestrian traffic violations with education and warnings, but may issue a citation when the pedestrian's actions caused harm to others or were likely to do so.

500.7 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.7.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or any time high visibility is appropriate. 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 by the Department may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement and conditions recommend its use.

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500.7.2 CARE AND STORAGE OF HIGH VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each police vehicle (both marked and unmarked), in the station equipment room, and in the saddlebag or gear bag of each police bicycle when it is in use. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service, each employee shall ensure a serviceable high-visibility vest is available for their use properly stored in their vehicle.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Patrol Services Division Commander should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.8 TRAFFIC DIRECTION AND CONTROL

The primary purpose of traffic direction and control is to protect the safety of the public. Efficient flow of traffic is a valid purpose, but always secondary to safety needs. Traffic direction should not be initiated unless necessary. The department recognizes that slow but moving traffic is often a safe and preferable alternative to active traffic direction and control.

Officers may initiate traffic direction and control as specified by this policy. Other department members may assist with traffic direction and control as specifically requested by sworn personnel.

500.8.1 TEMPORARY ROAD CLOSURE OR TRAFFIC RESTRICTION

Officers may temporarily close a roadway or restrict vehicle and/or pedestrian traffic as necessary for public safety, to protect the scene of a crime or traffic collision investigation, or for another compelling public purpose when alternatives are infeasible. This includes, but is not limited to:

- (a) Disasters or large-scale emergency conditions.
- (b) Severe weather or road conditions.
- (c) Protection of emergency response personnel, vehicles and equipment.
- (d) Large groups of people and/or unusually heavy vehicular traffic.
- (e) Special event safety and security needs (sporting events, concerts, ceremonies, etc).
- (f) Protection of dignitaries or other persons or locations with elevated threat concerns.
- (g) Extreme fire danger prevention measures.
- (h) Roadway obstructions or hazards.

Roadway closures or restrictions for planned events should be coordinated ahead of time with any affected outside agencies or campus business units as necessary, and sufficient advance notice should be provided to any predictably affected parties.

500.8.2 MANUAL TRAFFIC DIRECTION

To provide effective manual traffic direction, department members should utilize an appropriate combination of standardized methods including hand signals and gestures, whistles, flashlights and any other available and appropriate equipment or signage. When hand signals are utilized,

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eye contact should be attempted with the driver(s) being signaled. The standard hand signals include:

- (a) Stop - an upraised hand at the end of an extended arm, at or above shoulder level, with the palm of the hand clearly facing the approaching driver for whom the signal is intended.
- (b) Start - with arm extended toward the stopped vehicle, at or above shoulder level, pointing and waving the car onward by bending the arm at the elbow and drawing the hand toward the chest. Once traffic in one direction starts to move, the same signal may be delivered to opposing traffic.
- (c) Pull Up - usually reserved for turning traffic that is facing opposing vehicles or pedestrians. Point to the position at which the driver should pull their stopped or slowly approaching vehicle, and motion their approach to that position. If possible, hold the pointed hand and arm in position until conditions are safe for the turning movement.
- (d) Turn - Opposing traffic should be signaled to stop and subsequently held with the standard "Stop" hand signal. Once safe, the motorist should be instructed to turn by making a come-along signal with the other hand.
 1. Right-turning traffic usually requires little traffic direction unless the turning movement is crossing a heavily traveled crosswalk or must merge into heavy vehicular traffic.
 2. Natural gaps are best used for turning vehicles, when available.

Whistle signals should be used in combination with hand signals as follows:

- (a) Stop - a single, long blast.
- (b) Start - two short blasts.
- (c) Emergency Stop - multiple (three or more) quick, short and loud blasts.

Flashlights may be used with or without safety wand attachments to improve visibility of hand signals and for the safety of the department member providing traffic direction. Department members should avoid pointing direct flashlight beams in the eyes of motorists or pedestrians unless necessary for their safety or the safety of others.

500.8.3 TRAFFIC CONTROL DEVICES

As necessary, department members may use traffic control devices to temporarily restrict or direct traffic, including:

- (a) Reflective folding street barricades (Type 1, 2 or 3).
- (b) Reflective A-frame traffic barricades (aka parade barricades).
- (c) Traffic cones.
- (d) Jersey Barriers.
- (e) Incendiary road flares (use caution near vegetation and pedestrians).

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- (f) Department-issued electric flares, emergency safety lights and/or reflective warning markers.
- (g) Department-approved temporary traffic control signs or LED message boards.
- (h) Department cars, trucks, utility carts or motorcycles with emergency lights activated.

The following items should not be used to control vehicular traffic:

- (a) Crowd-control barricades.
- (b) Crime scene or hazard tape.
- (c) Department bicycles or mobility devices.
- (d) Makeshift barricades or obstacles.

500.8.4 MANUAL OPERATION OF TRAFFIC SIGNALS

When practicable to do so, officers may manually adjust or operate traffic signals or other permanent traffic control devices as necessary and appropriate during temporary traffic direction and control. Otherwise, officers should employ manual traffic direction and/or other temporary traffic control devices or methods.

500.8.5 SEVERE WEATHER AND ROAD CONDITIONS

Roadways deemed to be hazardous due to severe weather or road conditions should be closed by use of traffic control devices. Department personnel should be assigned to temporarily divert traffic around hazards as necessary.

When one or more University roadways must be closed or restricted due to severe weather or road conditions, the watch commander (in consultation with command staff as necessary) should:

- (a) Determine if additional personnel or other resources are needed to provide assistance.
- (b) Ensure the fire department is made aware of any roadways that will be impassible for any significant length of time, and of any specific fire hazards or life safety concerns.
- (c) Notify Facilities Services of any damaged roads, fallen trees or power lines, or other hazardous conditions needing mitigation or repair.
- (d) Provide command staff and/or the designated Public Information Officer with updates to notify the news media and general public about adverse conditions that will likely affect traffic, public safety or university operations.

500.9 VEHICLE ESCORT SERVICES

As authorized by a sworn supervisor or manager, officers may provide vehicle escort services when necessary for public safety, or to ensure the safe and efficient movement of traffic. This includes, but is not limited to, the following:

- (a) Medical and fire services protection.
- (b) Hazardous cargo transport.
- (c) Oversized load transport.

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- (d) Vehicle travel into areas that are primarily used by pedestrians.
- (e) Special events, parades and ceremonies.
- (f) To protect dignitaries or other persons with elevated threat concerns.
- (g) Guiding lost motorists.
- (h) Funerals and memorials.

Vehicle escorts may be provided in combination with traffic direction and control measures when needed. If increased visibility might benefit the purpose of a vehicle escort, officers may activate their emergency lights accordingly.

Officers should not provide escorts for privately owned vehicles during medical emergencies. In such cases, officers should request dispatch to summon fire/paramedic personnel.

500.10 ASSISTANCE TO MOTORISTS

Upon the report or discovery of a stranded motorist on University property, officers are expected to stop and render assistance when possible. Otherwise, the officer should notify dispatch so that appropriate assistance may be summoned.

Officers are encouraged to similarly assist stranded motorists in areas near the campus, but may instead ask dispatch to notify the appropriate agency with jurisdiction. If another agency requests our department's assistance with a motorist stranded off campus, the request should be forwarded to the watch commander for consideration.

- (a) Examples of motorist assistance include, but are not limited to, the following:
- (b) Providing directions.
- (c) Escorting a lost motorist.
- (d) Summoning roadside assistance services or alternative transportation.
- (e) Transporting a motorist to a safe location to await assistance.

After summoning any necessary assistance for a motorist stranded in an isolated or hazardous location, or for a motorist stranded during the hours of darkness, the officer should offer to remain until assistance arrives, or alternatively offer to transport the motorist to a safe location. If the officer leaves after summoning assistance, the officer should check back after a reasonable time to verify assistance was provided.

500.10.1 MOTORIST EMERGENCIES

Upon the report or discovery of a motorist with a medical or life-safety emergency, whether on or off university property, the officer should render assistance, coordinate the response of additional necessary resources, and provide traffic control until the emergency is resolved, or until the officer is relieved. If additional police assistance is required for an off-campus motorist emergency, the appropriate agency with jurisdiction should be summoned.

The primary officer should immediately notify dispatch of the location and nature of the emergency, and summon any necessary fire / paramedic response or other resources. Officers at the scene

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should identify and attempt to mitigate and/or take precautions for any additional hazards that may be present, such as fire or hazardous materials. Officers should provide any appropriate first aid or emergency medical care to injured persons until medical responders arrive.

Once the emergency at the scene is stabilized, officers should determine if a criminal and/or collision investigation might also be required.

500.11 MITIGATION OF HAZARDOUS ROAD CONDITIONS

The department recognizes that roadway hazards or defects such as debris, abandoned objects or vehicles, hazardous materials spills, damaged roadway surfaces, defective signals or traffic control devices, defective lighting equipment, and damaged or missing roadway markings or street signs can all be or become hazardous conditions which might increase the risk of collisions, injuries, and vehicle or other property damage, and thereby present a liability to the University.

Upon the report or discovery of any roadway hazard or defect that presents an immediate safety concern, whether on or off University property, the officer should notify dispatch and take or arrange for any action that is required to resolve the problem without delay, and provide any necessary traffic control until the hazard is mitigated, or until the officer is relieved. If additional police assistance is required for an off-campus roadway hazard or defect, the appropriate agency with jurisdiction should be summoned.

Upon the verified report or discovery of a roadway hazard or defect on University property that should be addressed to prevent a potentially hazardous condition but does not present an immediate safety concern, the officer should contact Facility Services via telephone or email without unnecessary delay to request repair. The officer should document the request for repair in the notes of a CAD event if not otherwise documented in a police report.

500.12 TRAFFIC ENGINEERING CONCERNS

All complaints or suggestions regarding traffic engineering or roadway design on University property, whether from department members, the campus community or the general public, shall be forwarded to the Patrol Operations Division Commander for review and any appropriate action. The Patrol Operations Division Commander is responsible to identify and provide appropriate personnel within Facilities Services with all traffic engineering or roadway design complaints and suggestions, and with any police department data and statistics that may be useful in identifying and prioritizing necessary improvements to University traffic engineering and roadway design.

Complaints or suggestions regarding off-campus traffic engineering or roadway design should be referred directly to the appropriate jurisdictional authority.

Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The U.C. Riverside Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

502.2 DEFINITIONS

For purposes of this policy, the following definitions apply:

Collision: An unintended event that produces damage or injury, involving a motor vehicle in-transport. The word injury includes fatal injury. Although the terms "accident" and "collision" are synonymous, the word collision should be used to describe the event.

Injury - A condition of physical harm to a person, whether visible, internal or expressed as a complaint of pain.

Serious injury - Any injury that requires emergency medical transport or is likely to result in a fatality.

502.3 RESPONSIBILITY

The Support Services Division Commander will be responsible for distribution of the Collision Investigation Manual. The Support Services Division Commander will receive all changes in the state manual and ensure conformity with this policy.

502.4 TRAFFIC COLLISION RESPONSE AND INVESTIGATION

Upon the report or discovery of a traffic collision, the assigned officer (or the first officer to arrive on scene, if none is assigned) shall be considered the primary officer unless otherwise directed by the on-duty supervisor. The primary officer is responsible to:

- (a) Notify dispatch of the exact location and number of involved vehicles.
- (b) Secure the scene and take steps to prevent other vehicles and persons from becoming involved (including traffic control and crowd control measures).
- (c) Request any additional necessary officers, fire/medical services, or other Department members or resources.
- (d) Notify dispatch of the number of involved persons who are injured and the apparent extent of their injuries.
- (e) If necessary, administer emergency medical care until medical services arrive.
- (f) To the extent possible, attempt to preserve the scene as well as any evidence of the collision or any related criminal violation(s).

If the collision (based on the location of the initial point of impact) is determined to have occurred in the primary jurisdiction of another agency, that agency should be contacted to respond to the scene and handle any necessary investigation or other follow-up efforts. However, Department

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members shall continue to render any immediately necessary emergency services, and may otherwise continue to assist the primary agency upon their arrival, at the discretion of the watch commander.

502.4.1 SUPERVISORY RESPONSE

The on-duty supervisor shall respond to the scene of any collision in the Department's primary jurisdiction involving:

- (a) Serious injury or fatality
- (b) Significant third-party property damage.
- (c) Public or mass transportation vehicles.
- (d) Hazardous materials spill or release.
- (e) A felony criminal violation.
- (f) Situations likely to generate elevated University concern or media interest.

502.4.2 COLLISION SCENE HAZARDS

At the scene of a traffic collision, Department members should be alert for any threats and hazards that may be present and should take steps to minimize or mitigate them as possible. This may include, but is not limited to, the following:

- (a) Fire, explosion, heat, and/or hazardous materials (including biohazards).
- (b) Broken glass, jagged metal edges and/or other dangerous physical conditions at the scene.
- (c) Persons who are combative or who otherwise interfere with rescue efforts, whether bystanders or involved persons.
- (d) The potential for fire to spread or other secondary hazards to occur as a result of the collision.
- (e) Downed power lines, which should be considered to be energized until positively concluded otherwise by fire department or utility authority.

Department members should utilize issued or available resources as necessary and appropriate (e.g. fire extinguishers, blankets, tools) to attempt to suppress fire or address other threats and hazards that may be present.

Officers should assess the potential need for evacuation of nearby areas and/or structures and request / direct additional personnel for this purpose if necessary.

If a collision results in damage to nearby property that creates a safety hazard or security breach, the primary officer should ensure an expedient attempt is made to contact the property owner or their agent to address the problem.

502.4.3 CONFLICT BETWEEN PARTIES

Officers should anticipate potential conflict occasionally exists at the scene of a traffic collision between the parties involved. Officers should request additional units as necessary and attempt to

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separate and de-escalate the involved parties prior to completing the traffic collision response and investigation. A crime report may be necessary in addition to any collision investigation or report.

If the report of a collision includes information that involved parties and/or bystanders are engaged in verbal or physical confrontation, at least two officers should be dispatched to the scene.

502.4.4 COLLISION INVESTIGATION

Utilizing guidance from the CHP Collision Investigation Manual, the primary officer should determine what investigatory steps are necessary and conduct or direct the investigation. This may include, but is not limited to, the following:

- (a) Locating, identifying and interviewing involved parties, passengers and witnesses.
- (b) Marking and measuring the position of involved vehicles, debris, skid marks, resultant property damage, etc.
- (c) Collecting photos and/or video recordings of involved parties, vehicles and the scene.
- (d) Collecting and preserving any physical evidence (making short-lived evidence a priority).
- (e) Collecting documentation and conducting records checks.
- (f) Identifying any additional sources of evidence or information that might be available for subsequent investigation (security camera footage, electronic data, etc.).

Officers should take separate statements from all involved parties, passengers and witnesses and attempt to prevent collaboration prior to interview. Officers should be thorough in the collection of contact information from all persons involved and interviewed, including telephone numbers, local & permanent addresses, and email addresses.

Measurements should be taken from fixed and permanent features at the scene (e.g. curb lines, or specific points of buildings) to enable accurate collision reconstruction if necessary. Trees, signs, roadway markings and other less durable features should be avoided as primary references for measurements.

502.4.5 COLLISION SCENE RECOVERY

Once any medical services are completed, any hazards have been mitigated, and all investigatory needs have been met, officers should move involved vehicles out of the roadway and enable routine use of the roadway or other scene as soon as practicable.

Involved vehicles requiring a tow will be removed by a tow service of the owner or driver's choice if the response time of the tow company is reasonable. If the vehicle owner or driver is not present, has no preference, or is incapacitated, removal will follow established police department procedures. Any vehicle that is impounded/stored will be inventoried by the officer completing the tow, and at the officer's judgment any items that appear particularly valuable should be removed and brought to the Department for safekeeping.

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Any other personal property abandoned at the scene but clearly belonging to an involved party should either be inventoried and placed in the towed vehicle or brought to the Department for safekeeping.

502.4.6 DOCUMENTATION AND PARTY NOTIFICATIONS

The primary officer shall request a case number and document any necessary collision investigation or report according to the standards and format established by the CHP Collision Investigation Manual. The primary officer shall ensure that all involved parties are provided with the case number and information about how to request a copy of the report, prior to leaving the scene of the collision if possible.

Without unnecessary delay, the primary officer should attempt to identify and notify the owner (or the owner's agent) of any property that was damaged as a result of the collision, and provide that person with the case number and information about how to request a copy of the report.

502.5 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this Department shall be forwarded to the Watch Commander for approval and data entry into the Records Management System. The Watch Commander will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Patrol Division Commander, or other persons as required.

502.6 REPORTING SITUATIONS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this Department. Traffic collision reports shall also be taken when a collision occurs in a parking lot or parking area within the jurisdiction of this Department.

Damage to vehicles which occurs in a campus parking lot but does not meet the definition of "collision" found in section 502.2 shall not be documented as traffic collisions.

502.6.1 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or Vehicle Code violation. An Incident Report may be taken at the discretion of any supervisor.

502.6.2 COLLISIONS RESULTING IN INJURY OR FATALITY

Traffic collisions resulting in injury or fatality have the highest priority and the primary officer shall complete a thorough investigation and written report. The Patrol Services Commander or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving a serious injury or fatality.

502.6.3 COLLISIONS INVOLVING A SCHOOL BUS OR MASS TRANSPORT VEHICLE

The California Highway Patrol is responsible for the investigation of school bus collisions anywhere within the State of California when the bus is actively engaged in the transport of school students

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(including instances of a student leaving or approaching a school bus when the bus has its flashing red lights activated).

Other collisions involving a school bus or another bus or mass transport vehicle on University property are the responsibility of this Department to resolve, although assistance from the California Highway Patrol may be requested if applicable under another special reporting condition as described in this policy, or if necessary due to limited Department capacity.

502.6.4 COLLISIONS INVOLVING HAZARDOUS MATERIALS

In the event of a traffic collision involving hazardous materials, officers should gather additional information about the type and quantity of the material and the risk of any spill or release that has occurred (or might yet occur) as a result of the collision. Sources for this information may include, but are not limited to, the following:

- (a) Signs, placards, bill of lading, or labels on the materials container or vehicle.
- (b) Information from the driver or other involved or knowledgeable parties at the scene.
- (c) The US Department of Transportation Emergency Response Guidebook (ERG) or another reliable reference.
- (d) UC Riverside Environmental Health & Safety (EH&S) staff.
- (e) Members of the Riverside Fire Department / Hazardous Materials Response Unit.

In the event of a hazardous materials spill or release that presents a significant safety concern, refer to the Department Hazardous Material Response Policy.

All traffic collisions involving hazardous materials must be documented, and the primary officer shall complete the appropriate report for the specific situation. The report should include details about the hazardous material identification and risk assessment, the request for and deployment of specialized resources or additional personnel, and the actions and outcomes of the response to the event.

502.6.5 HIT AND RUN COLLISIONS

All traffic collisions involving a hit-and-run require a crime report in addition to a collision investigation or report.

Pursuant to California Vehicle Code §22655(a), an officer may remove a vehicle from the highway or from public or private property for the purpose of inspection if the operator has failed to stop and comply with the provisions of California Vehicle Code §20002 to §20006.

If the suspect vehicle in a hit-and-run is detained, the agency handling the case should be contacted to determine if they will respond to the scene and/or if the suspect vehicle should be towed for purposes of their investigation.

If this Department is the investigating agency, the on-duty supervisor should determine if the suspect vehicle should be towed for evidence processing, and is responsible to arrange for any

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necessary evidence processing to occur within 48 hours (excluding weekends and holidays). as follows:

Felony hit-and-run - mandatory seizure.

Misdemeanor hit-and-run - optional seizure if sufficient evidence collection can be conducted at the scene.

Pursuant to California Vehicle Code §22655(b), a vehicle towed by the authority of §22655(a) shall be released upon the expiration of 48 hours after such removal from the highway or private property, upon demand of the owner. When determining the 48 hour period, weekends and holidays shall be excluded.

502.6.6 COLLISIONS INVOLVING OTHER CRIMINAL VIOLATIONS

All traffic collisions involving a vehicle operator who is determined to have been under the influence of alcohol and/or drugs, no matter to what degree and regardless of fault, require a crime report in addition to a collision investigation or report. Refer to the Department Impaired Driving policy for investigative and reporting procedures regarding such cases.

All traffic collisions involving a simultaneous misdemeanor or felony offense require a crime report in addition to a collision investigation or report.

502.6.7 TRAFFIC COLLISIONS INVOLVING UNIVERSITY OF CALIFORNIA VEHICLES

Traffic collision investigation reports shall be taken when a University-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 University vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

502.6.8 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT MEMBERS

When an member of this Department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the U.C. Riverside Police Department resulting in a serious injury or fatality, the Watch Commanders should request the California Highway Patrol for assistance.

502.6.9 TRAFFIC COLLISIONS WITH OTHER UNIVERSITY EMPLOYEES OR OFFICIALS

The Patrol Lieutenant or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any University official or employee where a serious injury or fatality has occurred.

502.7 NOTIFICATION OF FATAL OR SERIOUS INJURY COLLISION

In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Patrol Services Division Commander to relate the circumstances of the traffic collision and

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seek assistance from the Division Commander. In the absence of a Division Commander, the Watch Commander or any supervisor may assign an accident investigator to investigate the traffic collision. Watch commanders making such an assignment should assess the skill and abilities of the officers available for the investigation, and consider requesting assistance from the California Highway Patrol for these types of collisions.

Vehicle Towing and Release

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the UC Riverside Police Department. Nothing in this policy shall require the Department to tow a vehicle.

510.2 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.

510.2.1 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 to be given to the tow truck operator and the original shall be submitted to the Records Section as soon as practicable after the vehicle is stored.

510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the University of California, Riverside. The officer will then store the vehicle using a CHP Form 180.

510.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

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The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

510.2.4 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.

510.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

510.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

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510.2.7 RECORDS SECTION RESPONSIBILITY

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Section 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, in writing, or by telephone within 10 days of the date appearing on the notice.

510.3 TOWING SERVICES

The University of University of California, Riverside periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal of vehicles obstructing traffic in violation of state or local regulations.

510.4 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.

510.5 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

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driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

510.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

- (a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:
 - 1. The vehicle was stolen.
 - 2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
 - 3. Any other circumstance as set forth in Vehicle Code § 14602.6.
 - 4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.
- (d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the UC Riverside Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

512.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Patrol Lieutenant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations

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where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

- (a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.
 - 1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.
- (b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Impaired Driving

514.1 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).

514.2 POLICY

The UC Riverside 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.

514.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Patrol Lieutenant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in California or another jurisdiction.

514.4 FIELD TESTS

The Patrol Lieutenant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

514.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

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- (b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- (c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

514.5.1 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)).

514.5.2 BREATH SAMPLES

The Patrol Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Lieutenant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an

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alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

514.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

514.5.4 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.

514.5.5 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).

514.5.6 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

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514.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

514.6 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.

514.6.1 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.

514.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
 - 1. This dialogue should be recorded on audio and/or video if practicable.

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- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.6.3 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)).

514.7 RECORDS SECTION RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.8 ADMINISTRATIVE HEARINGS

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence, or witnesses are identified.

514.9 TRAINING

The Training Sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

514.10 ARREST AND INVESTIGATION

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514.10.1 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.

514.10.2 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

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Patrol Lieutenant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Section shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Traffic Bureau Manager. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Bureau Manager may request the Patrol Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Division Commander for review.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Traffic Bureau.

516.5 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 Bureau. The Traffic Bureau shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

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516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Section.

516.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Disabled Vehicles

520.1 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.

520.2 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.

520.3 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.

520.3.1 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.

520.3.2 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.

520.3.3 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.

520.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the UC Riverside 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:
 - (a) Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - (b) Document the condition of the scene and any unusual or unexpected aspects.
 - (c) Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - (d) If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
 - (e) Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - (f) Collect or arrange for the preservation of any evidence.
 - (g) Take any appropriate law enforcement action.
 - (h) Accurately and fully complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

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any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 FOLLOW-UP INVESTIGATION

Follow-up investigation assignment procedures are described in the Department Report Preparation and Case Management policy. Department members conducting follow-up investigations shall:

- (a) Complete follow-up efforts in a timely manner.
- (b) Document their efforts, whether as supplemental reports to the initial case, or as new cases if appropriate.
- (c) Communicate and coordinate with the Department member(s) involved in the initial investigation and any other Department members engaged in follow-up efforts on the same case.
- (d) Regularly update their supervisor on the progress and status of their follow-up investigations and request assistance or additional resources when needed.
- (e) Regularly update the case status in the Records Management System.

600.4.1 RESPONSIBILITIES

An officer responsible for a follow-up investigation is responsible to attempt all necessary and appropriate tasks to bring the case to resolution, including (but not limited to):

- (a) Reviewing and analyzing all reports prepared during the preliminary investigation phase, Department records involving similar cases, and laboratory examination results, if applicable.
- (b) Conducting additional interviews of witnesses, victims/complainants and interrogation of possible suspects. Interviews and interrogations should be audio and/or video recorded whenever possible (e.g., body worn camera is an acceptable option).
- (c) Seeking additional information from Department members, outside agencies or other official sources.
- (d) Revisiting the crime scene, planning, organizing and conducting searches, and collecting any additional physical evidence.
- (e) Attempting to identify and apprehend suspects, through use of such investigative techniques as photo line-ups, field show-ups, and/or physical line-ups.
- (f) Determining suspects' method of operation and possible involvement in other unsolved crimes.
- (g) Checking suspects' criminal and campus conduct histories.
- (h) Performing additional follow-up at the request of the prosecuting attorney or their agent.
- (i) Analyzing electronic access logs and electronic media.
- (j) Reviewing publicly accessible information on social media sites and/or other open-source Internet resources.

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- (k) Identifying and apprehending suspects.
- (l) Preparing cases for court presentation and/or administrative referral to campus judicial systems.

600.5 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.

600.5.1 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 Investigative Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5.2 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

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custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.5.3 ACCESS TO COUNSEL

Officers shall ensure that suspects in custody who request an attorney be provided access to an attorney. Under typical circumstances, this will occur via telephone at a jail facility. If a suspect invokes their right to counsel while in UCPD custody, this will typically end any further interrogation and the suspect will most often be transported to jail or released soon after the request for counsel. The suspect may contact counsel upon release or upon being booked into jail. Officers are reminded to uphold the right of arrestees to complete at least three phone calls to an attorney, a bail bondsman, and another person within three hours of arrest. While these phone calls will normally take place from a jail facility, officers must be aware of the time limit in the event that a suspect remains in UCPD custody for three hours or more after arrest. Officers should not recommend a particular attorney or provide legal advice.

600.6 INTERVIEW ROOMS

Members conducting investigations may utilize Department facilities to conduct interviews, subject to the following guidelines:

- (a) To maintain the secure environment of the police facility, the interview subject must be under supervision by Department members and/or control by officers at all times.
- (b) Prior to utilizing a designated interview room or any other location to conduct an interview, the Department member(s) conducting the interview shall complete a comprehensive security inspection to ensure the location is free of contraband, weapons or other potentially dangerous objects, and any protected information that might be visible to the interview subject or any other person present.
- (c) Upon the interview subject's exit from an interview room or any other location used to conduct an interview, the Department member(s) conducting the interview shall complete a comprehensive security inspection to ensure no contraband, weapon or other potentially dangerous object has been left behind. Should any such item be found, a case report shall be generated to document its discovery and disposition.

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- (d) Interview subjects shall not be secured to any fixed or movable objects while inside a designated interview room or otherwise while being interviewed.
- (e) Water, access to a restroom, and breaks shall be provided to the interview subject upon request.
- (f) All interviews related to criminal investigations should be recorded, whether audio/video or by audio only, except that a victim or witness who will only submit a written or oral statement on the condition that the interview not be recorded may be accommodated. Interviews may be recorded by use of body worn A/V systems, or by another Department approved recording device provided that it is operated by a trained and qualified Department member and all recordings are appropriately preserved and documented.
- (g) Should a Department member need emergency assistance during an interview, they should activate their portable radio emergency button, make a broadcast for help on the police radio, use the room panic button where available, and/or call out for assistance from nearby personnel.

600.6.1 ADDITIONAL SUSPECT INTERVIEW GUIDELINES

The interview or custodial interrogation of a suspect shall be conducted by no more than two sworn officers, and in a designated interview room, unless there is a specific need to conduct the interview elsewhere and if authorized by a supervisor. Every officer within the interview room or location shall be equipped with a police radio. No more than one suspect should be interviewed at a time.

During the interview or custodial interrogation of a suspect, if an officer in possession of any weapon is present in the same room as the interview subject, a second armed officer shall also be present in that room, or in an immediately adjacent space and ready to assist if necessary.

At least two officers should escort a suspect to and from the interview room or other location used to conduct the interview, including for trips to the restroom or any other location within the secure area of the police facility, or whenever the suspect is in secure custody. Officers escorting a suspect to the restroom shall complete a comprehensive security inspection of the portion of the restroom facility to which the suspect has access, both before and after it is used by the suspect, to ensure no contraband, weapons or other potentially dangerous objects are present and/or left behind.

600.6.2 ADDITIONAL VICTIM/WITNESS INTERVIEW GUIDELINES

Interviews of victims or witnesses should be conducted by no more than two Department members, in designated interview rooms, or in other locations that meet the needs of the interview subject and do not interfere with other Department activities. At least one Department member within the interview room shall be equipped with a police radio. No more than one victim or witness should be interviewed at a time.

Interviews of victims or witnesses should not be recorded utilizing covert equipment without the awareness of the interview subject and any other persons present.

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600.7 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

600.8 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.9 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

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600.10 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).

600.10.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.10.2 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.

600.11 TEMPORARY AUDIO/VIDEO SYSTEMS

The Chief of Police or their designee may authorize the use of temporary audio and/or video systems for investigative purposes, including the use of covertly placed devices. When deployed, the Criminal Investigations Bureau supervisor and/or manager is responsible for ensuring the use

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of such systems is in compliance with applicable law and policy, and that sufficient precautions are taken to avoid privacy violations.

600.12 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigative Services Division Commander 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.

600.13 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the UC Riverside 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).

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- (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 state 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 Investigative Bureau supervisor should provide the Records Manager with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Section Policy for additional guidance.

600.14 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.15 CONCURRENT TITLE IX INVESTIGATIONS

The Department will not cause a Title IX investigation to be delayed pending the outcome of a criminal investigation and shall coordinate with the Chief Compliance Office regarding any need to temporarily delay a Title IX investigation being conducted by the University concurrent to a criminal investigation.

A request by the Department to delay part or all of a concurrent Title IX investigation should be limited to the extent reasonably necessary for the collection of evidence and vital information critical to the successful investigation and potential criminal prosecution of the case. The Criminal Investigations Bureau (CIB) supervisor or manager should coordinate all such requests, ensure that critical investigatory steps are completed in a timely manner, and consult with the District Attorney's office for guidance as necessary.

600.15.1 TITLE IX ACCESS TO CRIMINAL INFORMATION

The University's Title IX investigator may be granted access to Department information, to include but not limited to, investigation notes and findings about the criminal investigation except to the extent this would compromise the criminal investigation, hinder the criminal prosecution of the case, or violate other applicable law or policy.

The CIB supervisor or manager is encouraged to consult with the District Attorney's office for guidance prior to providing such access, as necessary.

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600.16 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS

600.16.1 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM

When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Department as lost or stolen, the Investigative Bureau supervisor shall assign an officer to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code §11108.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Department (Penal Code § 28220).

600.16.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The Investigative Bureau supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Department who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide the information to the Records Section for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Section Policy for additional guidance).

Criminal Investigations Bureau

601.1 PURPOSE AND SCOPE

To establish guidelines for the structure and operations of the Criminal Investigations Bureau, and to describe the role, responsibilities, and expectations for detectives.

601.2 POLICY

The University of California, Riverside Police Department shall maintain a Criminal Investigations Bureau (CIB), sufficiently staffed with experienced and appropriately trained sworn detectives, with the capacity to effectively investigate felony and misdemeanor crimes that are likely to occur within the Department's primary jurisdiction. Department members assigned to CIB are also expected to perform additional ancillary duties related to the investigatory function and productively collaborate with campus partners, outside agencies, other University and community resources, and Department members to the fullest extent allowed by law, policy and practical limitations.

601.3 CIB SUPERVISOR

The Chief of Police shall appoint a Police Sergeant as the Criminal Investigations Bureau supervisor, responsible for day-to-day coordination and management of their assigned detectives, and to fulfill the duties of detective as necessary.

The CIB supervisor shall report to a sworn member of the command staff within the Support Services Division, who shall be considered the CIB manager.

The CIB supervisor is also designated as the supervisor of the UCPD Crime Prevention Unit (CPU), unless this responsibility is separately assigned to the CIB manager or another sworn supervisor or manager by the Chief of Police.

The CIB supervisor is responsible to maintain awareness of the availability of all detectives to respond to a request for investigatory assistance in the field at any given time, and to keep Patrol Division supervisors and managers informed of any restrictions or periods of unavailability.

The CIB supervisor is expected to serve as the primary Department liaison or contact for campus units, local organizations, and outside agencies with purposes that coincide with criminal investigations. These duties may be delegated or reassigned at the direction of command staff. This includes, but is not limited to, the following:

- (a) Departments assigned to Health, Well-being & Safety.
- (b) UCR Student Conduct.
- (c) UCR Dean of Students.
- (d) Riverside Rape Crisis.
- (e) Riverside County District Attorney's Office.
- (f) Joint Regional Intelligence Center (JRIC).

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In the absence of a CIB supervisor, the CIB manager shall assume all duties of the CIB supervisor.

601.4 DETECTIVES

The Chief of Police shall appoint sworn officers as detectives to serve within the Criminal Investigations Bureau, responsible for leading investigations and other follow-up efforts for cases assigned to them by the CIB supervisor or manager, and for carrying out other public safety and law enforcement duties consistent with their role and expertise.

One or more detectives should be designated as members of the Crime Prevention Unit (CPU) in a manner consistent with the Department Threat Assessment and Response policy. One or more detectives shall be designated to administer the mandatory sex offender registration process, and to investigate alleged violations of California sex offender registration laws.

601.5 CASE ASSIGNMENTS

The CIB supervisor or manager shall regularly review submitted police reports, including all police reports routed to CIB for review by patrol supervisors within the Records Management System (RIMS), and all police reports of the types identified for CIB report review within the Department Report Preparation and Case Management policy. The CIB supervisor or manager is responsible to determine if such police reports will be reassigned to a detective, returned to the original case officer, or given a final case status.

Subject to command staff review, the CIB supervisor or manager has the authority to determine if a detective will be assigned to take primary responsibility and/or to complete specific tasks for a case, and may reassign cases or tasks amongst detectives as necessary for the efficient functioning of the unit.

The CIB supervisor or manager is responsible for managing the caseloads of detectives and ensuring that investigatory and other follow-up efforts are completed and documented in a timely manner.

When two or more detectives are assigned to the same case, one shall be designated as the primary (or "lead") detective and case officer.

601.6 AVAILABILITY OF INVESTIGATIVE SERVICES

To ensure the availability of basic law enforcement investigative services to the campus community, the Department shall maintain a minimum staff of at least three (3) detectives (or two (2) detectives with a sergeant serving as CIB supervisor). Additional detectives should be assigned as staffing allows and as caseload demands require.

Detectives may be scheduled according to a 4-day, 10-hour work schedule, subject to operational need. Individual detective schedules should be staggered to provide the presence of at least one detective at the worksite at all times during normal business hours. Detectives schedules that provide extended investigatory coverage due to operational needs during evening and weekend hours should be considered as staffing allows.

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601.6.1 FIELD AVAILABILITY AND RESPONSIBILITIES

When a crime scene or call for service in the field might benefit from the oversight and expertise of a detective, the patrol supervisor may request the response of a detective via the chain of command. The assignment of a detective to the scene is subject to the approval of the CIB supervisor and the chain of command.

Upon arrival at the scene of a crime or call for service, the detective should assume control of the investigatory aspects of the event in question, and may direct patrol officers and other available Department personnel as necessary to complete these responsibilities. The patrol supervisor should assist the detective and ensure that all other operational issues are addressed. These responsibilities remain in place until all investigatory needs at the scene are met, unless relieved by a higher authority.

Until such time as a detective arrives at the scene and assumes control of the investigation, the event and any investigation remains the responsibility of the Patrol Division to manage. If no detective is available, the patrol supervisor should consult with their chain of command to determine if a detective should be called in, or if other personnel and/or resources should be arranged.

Unless a crime scene or call for service is likely to require extensive investigatory effort or expertise, officers who formerly served as detectives or who have equivalent training and experience may be utilized as the lead investigator at the scene when a detective is not available.

601.6.2 OUTSIDE AGENCY ASSISTANCE

The Support Services Division Commander is responsible for establishing agreements with outside agencies to ensure sufficient and qualified investigative services are available to assist UCPD Riverside, at any time of day or night if needed.

When detectives from this Department are unavailable or require assistance with a major crime, or when a situation arises that requires outside agency assistance to preserve the objectivity or impartiality of an investigation, the relevant supervisor should seek approval from either the Support Services Division Commander or, in their absence, the Field Operations Division Commander to request aid from an outside agency with the capacity to provide necessary investigative services.

601.7 COORDINATION WITH PATROL AND OTHER DEPARTMENT UNITS

To facilitate the exchange of critical information and strengthen the relationship between the Criminal Investigations Bureau (CIB) and the Patrol Division, detectives are expected to communicate and collaborate with officers and sergeants in the Patrol Division. To help achieve this, detectives should:

- (a) Remind or update patrol staff about investigatory expectations as established or modified by the District Attorney's office.
- (b) Provide patrol teams with briefing training on new laws, court decisions, and other investigatory mandates and best practices.

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- (c) Review the use of investigative tools and methods (fingerprint collection techniques, interview tips, how to take crime scene photos, etc.).
- (d) Discuss local or regional crime trends, investigative bulletins, and recommended crime prevention strategies.

Detectives should also share relevant information with other Department units such as Records & Communications and the Administration Division.

601.8 TRAINING

All detectives shall be required to complete the POST-certified Criminal Investigator Core Course (Robert Presley Institute of Criminal Investigation, or ICI) prior to, or within one year of appointment, and at least one ICI Foundation specialty course prior to, or within two years of appointment.

All detectives should complete at least 20 hours of POST-certified training on the topic of interview and interrogation prior to, or within one year of appointment.

All detectives assigned to investigate crimes involving sexual violence, domestic / relationship violence, and/or stalking shall complete the ICI Foundation specialty course in Sexual Assault Investigation prior to serving as the lead detective on such a case. The CIB supervisor or manager is responsible to ensure that at least one of the current detectives has completed this course and is available to serve as the lead detective on all such cases.

One or more detectives shall complete the training necessary to administer the mandatory sex offender registration process, and to investigate alleged violations of California sex offender registration laws.

All detectives assigned to investigate crimes involving sexual violence, domestic / relationship violence, and/or stalking should also complete at least 20 hours of training in the use of trauma-informed investigation and interviewing techniques.

All detectives are encouraged to complete at least 40 hours of POST-certified investigatory training annually, to participate in local, regional, state or national investigators' associations and conferences, and to pursue completion of at least one ICI Certificate of Achievement. All investigator training should be selected and prioritized according to topics and content that coincides with Department service needs.

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 UC Riverside Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART.

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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 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, an officer or detective with training and experience in sexual assault investigations should be assigned to facilitate the victim's initial disclosure to UCRPD.. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

602.5.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

- (a) Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
 1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
 2. A support person may be excluded from the examination by the officer or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

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602.5.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

602.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately (Penal Code § 680).

602.6.1 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property and Evidence Section supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

602.6.2 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered

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into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private vendor laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the testing is complete, the statute of limitations has run, or the SAFE kit is exempt from the update requirement (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

602.6.3 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

602.6.4 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):
 - (a) 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.
 - (b) 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

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Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

- (c) 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.
- (d) 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 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 Investigative Bureau supervisor.

Classification of a sexual assault case as unfounded requires the Investigative Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

602.8 CASE REVIEW

The Investigative Bureau supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

602.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in

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developing helpful investigative leads. The Investigative Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.10 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 1. Initial response to sexual assaults.
 2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.
 5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 1. Interviewing sexual assault victims.
 2. SART.
 3. Medical and legal aspects of sexual assault investigations.
 4. Serial crimes investigations.
 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 6. Techniques for communicating with victims to minimize trauma.

602.11 NOTIFICATIONS TO CAMPUS RESOURCES

Victims who are campus affiliates should be provided information about the University's advocate services, and should be asked for permission to share their name and contact information with the advocate. If available, the officer should offer to arrange an immediate meeting with a campus advocate.

Victims should also be provided information about their ability to report possible violations of the University's policy on Sexual Violence and Sexual Harassment (SVSH) to the Chief Compliance Office.

All UCPD employees are considered "responsible employees" as that term is defined in the University's SVSH policy, and are required to notify the Office of Title IX, Equal Opportunity & Affirmative Action if they become aware that a student or affiliate of the campus has experienced conduct prohibited by that policy. However, when official reports involving SVSH policy violations are filed with UCRPD, whether criminal or non-criminal, this responsibility to notify the Office of Title IX, Equal Opportunity & Affirmative Action should only be handled by the Investigations supervisor or the assigned investigator, to ensure no information is released that would impede

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or compromise any UCRPD investigation, or that would violate applicable rights to privacy or confidentiality (including Penal Code § 293 PC / Government Code § 6254).

602.12 ASSISTANCE TO OUTSIDE AGENCIES

If it is determined that a reported sexual assault occurred in another law enforcement agency's primary jurisdiction, that agency should be notified without delay if there is a need for that agency to take immediate action. Until such time as that agency can assume responsibility for the investigation, officers should continue to provide, any necessary, critical assistance to the victim and gather / preserve evidence as appropriate.

In the case that a victim contacts UCPD to report a sexual assault that occurred in another jurisdiction, but there is no apparent need for urgent police action due to the time that has elapsed, limited information or other factors, officers may accept the report as a courtesy to that agency and forward the preliminary report to the appropriate agency for follow-up investigation. Accepting a report in this manner does not alleviate the reporting officer from taking all appropriate investigative steps outlined in this chapter, as appropriate to the circumstances.

Informants

608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

608.1.1 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 UC Riverside Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the UC Riverside Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

608.2 POLICY

The UC Riverside 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.

608.3 USE OF INFORMANTS

608.3.1 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.

608.3.2 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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608.3.3 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.

608.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Investigation Bureau supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the UC Riverside 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 Investigation Bureau 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 Investigation Bureau 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.

608.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be

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unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

608.5 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 Investigation Bureau. The Investigation Bureau 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, Division Commander, Investigation Bureau supervisor or their authorized designees. Department members shall only discuss the identity of informants and details of any investigative case involving the use of an informant with persons (including other Department members) who have both a right and a need to know.

The Investigative Services Division Commander 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 Investigation Bureau supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance

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with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

Records maintained in these files shall be purged as described in the University of California, Riverside's records retention schedule.

608.5.1 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.

608.6 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.

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The Investigation Bureau supervisor will discuss the above factors with the Patrol Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

608.6.1 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 Investigation Bureau buy/expense fund.
 1. The Investigation Bureau 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 Associate Chancellor 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) UC Riverside 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.

608.6.2 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

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of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

608.6.3 AUDIT OF PAYMENTS

The Investigation Bureau 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.

608.7 PROCESSING OF INFORMANTS

Upon the arrest of an individual for the criminal violation, sworn personnel may interview the subject to determine the ability and willingness of the individual to provide information to the Department which would benefit law enforcement. If it is determined that the individual can benefit law enforcement by providing significant information, the officer shall consider the seriousness of the criminal offense versus the benefit of the information. With approval from a supervisor and after consultation with an appropriate representative of the District Attorney's Office, the officer may release the individual pursuant to Penal Code §849(b), with the following understanding;

(a) The individual must complete their obligation to provide assistance to law enforcement within 30 days of the §849b release, at which time the criminal case will be forwarded to the District Attorney, accompanied by a statement from the officer about the assistance which has been provided by the informant.

(b) If the informant has been unable to complete their obligation to provide assistance to law enforcement after the initial 30 day period, and there is sufficient reason to believe that the individual will be able to complete the obligation within a 30 day extension period, such an extension may be granted with concurrence from the District Attorney.

(c) If the individual has not completed their obligation at the end of the initial 30 day period, or the agreed upon extension period, the criminal case will be referred to the District Attorney for prosecution, accompanied by a statement from the officer about the individual's inability or unwillingness to assist law enforcement.

(d) It is the policy of the Department that all applicable violations of State law should be submitted to the District Attorney for filing and prosecution. It is the policy of the Department to seek conviction by trial or plea to violations of applicable statutes. The disposition of criminal cases for individuals who assist law enforcement rests with the District Attorney.

608.8 INFORMANT PRECAUTIONS

The following guidelines are to be considered for the general protection of Department members and informants.

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608.8.1 MEETING INFORMANTS

Department members should be aware that informants provide information for a variety of reasons, but are usually motivated by their own interests. The best interests of the informant and of the officer meeting with the informant may not be the same. An informant should not be permitted to take charge of any phase or element of the investigation.

When meeting in-person with any informant, more than one officer should be present or directly observing. If the informant's gender is different than the officer, more than one officer shall be present or directly observing, absent exigency. In the event that an officer must meet an informant alone:

- (a) (a) The officer shall advise their supervisor of the time, location and approximate duration of the meeting, and,
- (b) (b) The officer shall contact the supervisor when the meeting is over.

The circumstances surrounding a meeting should not be repeated to the extent that a recognizable pattern is created.

When contacting an informant by telephone (voice), text, email or other electronic communications, the proper name of the informant should not be used.

If it is known that an informant is on supervised probation or parole, the contact officer will coordinate with the informant's probation or parole officer to ensure that using the informant does not interfere with conditions of the probation or parole.

608.8.2 PROTECTING INFORMANT IDENTITY

To minimize the risk that a confidential informant's identity might be revealed by the court, officers should:

- (a) Use informants only for introductions that enable an undercover officer to directly develop the relationship with the target.
- (b) Prohibit the informant's involvement in planning an operation other than providing information.
- (c) Not permit the informant to participate in a criminal offense and instruct the informant to leave as soon as possible if one occurs during an operation.
- (d) Not permit the informant to be a witness to criminal activity which will result in charges being brought against a suspect.
- (e) Attempt to make the informant's testimony cumulative. For example, if the target in a drug case can be persuaded to bring a friend, the informant's testimony might be cumulative to what others present would say, and the informant's identity may not need to be revealed.

608.8.3 USE OF A WIRED INFORMANT

Generally, an officer may not secretly intercept an oral or wire communication, except;

- (a) An oral or wire conversation may be intercepted and recorded secretly by police during investigations involving organized crime if:

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1. An officer is a party to the conversation or has been given prior authorization by a party; and,
 2. The conversation is being intercepted or recorded as part of an investigation or recorded as part of an approved investigation requiring use of such an investigative strategy.
- (b) An oral or wire conversation may be intercepted and recorded secretly by police if the conversation or communication is intercepted or recorded pursuant to a warrant obtained in accordance with Department policy and law.

608.8.4 UNIVERSITY AFFILIATED INFORMANTS

In the event an informant is a student, faculty, staff member or other employee of the University, appropriate support and protections will be afforded to them in accordance with applicable University policies and procedures, as necessary or appropriate (e.g., Whistleblower, Title IX, Clery Act, Employee Assistance Program).

Threat Assessment and Response

609.1 PURPOSE AND SCOPE

The purpose of this policy is to establish expectations, standards and procedures for the identification, assessment and management of potential threats of significant physical violence within or against the University community.

609.1.1 DEFINITIONS

Definitions related to this policy include:

Threat – A situation that appears to present risk of intentional physical violence, including self-harm.

Significant physical violence – Physical violence that is likely to cause great bodily injury or the death of one or more persons.

Credible – An assessment that a claim is reasonable to accept as valid or true. Factors which might tend to establish credibility may include some or all of, but are not limited to the following:

- (a) Supported by independent evidence.
- (b) Consistent with other known information.
- (c) Consistent with reasonable expectations and/or predictable behaviors.
- (d) Provided by a tested and reliable source.
- (e) Corroboration from additional source(s).
- (f) Includes compelling and verifiable details.
- (g) Not unrealistic, fantastic or impossible.
- (h) Little to no contradictory evidence.
- (i) Few or no other likely explanations or interpretations.

Imminent – An event which is about to happen or likely to happen in the near future and requires immediate action to avert. In the case of a threat, the level of imminence may depend partly upon the significance and credibility of the threat itself.

Risk level – The apparent probability that an event will occur (low, moderate, high).

609.2 POLICY

It is the policy of the University of California, Riverside, Police Department to receive reports of threats to inflict physical violence, investigate threats, and respond appropriately to threats in order to reduce the potential for harm to members of the community.

609.3 THREAT EVALUATION AND RESPONSE

Any UCRPD employee might receive reports of, or discover situations involving potential threats during the course of their duties. All such situations should be assigned to sworn personnel for an initial assessment. In addition to any other appropriate actions, sworn personnel

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handling situations involving potential threats should attempt to gather information regarding the significance, credibility and imminence of the potential threat.

Threats which appear significant, credible and imminent should be addressed immediately, utilizing all necessary additional emergency resources.

All situations involving a potentially significant threat should be documented and forwarded to the UCRPD Crime Prevention Unit for review.

609.3.1 CPU FOLLOW-UP DUTIES

UCRPD Crime Prevention Unit (CPU) detectives should review all reports of situations involving potentially significant threats and investigate further as needed to assess the apparent level of risk and to determine what, if any, additional actions should be taken. A structured threat assessment need not be performed in every such case, but the elements and standards of the assessment tool should be kept in mind as the basis for establishing the level of risk.

Threats assessed as being of low or moderate risk should be managed by the assigned CPU detective, notifying, utilizing and coordinating the efforts of other campus and community resources as necessary to try to monitor and mitigate the threat.

Threats assessed as being credible, significant and of high risk should be evaluated using a structured threat assessment and brought to the attention of the campus Threat Assessment Consultation Team (TACT), in addition to any other appropriate threat management efforts.

609.3.2 CAMPUS TACT ACTIVATION

UCRPD shall designate a sworn supervisor or manager as the co-chairperson for the campus Threat Assessment Consultation Team (TACT). Along with UCRPD, TACT also consists of "core members" from the following campus Departments:

- (a) Health, Well-being & Safety.
 - 1. Case Management.
 - 2. Counseling and Psychological Services (CAPS).
- (b) Dean of Students.
- (c) Human Resources.
- (d) Title IX.

Additional Departments and personnel may be added on an ad hoc basis as the particular case under review requires.

609.4 CPU ORGANIZATION AND STRUCTURE

The UCRPD Crime Prevention Unit (CPU) is considered an element of the UCRPD Criminal Investigations Bureau (CIB). Detectives designated as part of CPU may also be assigned criminal investigations or other tasks consistent with their job description and based on the needs of the Department and Division.

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609.4.1 CPU DETECTIVES

At least one detective shall be designated as a CPU Student Mental Health Liaison and be the lead for threat investigations involving behavioral concerns about UC Riverside students. The Student Mental Health Liaison should also be the primary UCRPD representative to the campus Critical Student Incident Team (CSI) and point of contact for campus and community resources on related matters. At least one detective should be designated as a CPU Employee / External Liaison, serving as the lead for threat investigations involving behavioral concerns about UC Riverside employees, volunteers, visitors and unaffiliated persons. The Employee / External Liaison may also be assigned to handle the investigation and analysis of information related to large-scale or high-profile events that are likely to disrupt or endanger the University.

609.5 THREAT INVESTIGATION RECORDS

Whether criminal or non-criminal in nature, reports made to or discovered by UCRPD of situations involving potentially significant threats (and UCRPD's subsequent investigatory and/or mitigation efforts, if any) should generally be documented as official police reports according to established procedures.

609.5.1 CPU SUPPLEMENTARY INVESTIGATIVE FILES

When a person of concern is determined to present a credible, significant and high risk threat, the assigned CPU detective should also create an investigative file to organize supplementary information gathered during the course of the threat investigation and mitigation efforts. The supplementary investigative file may include copies of police reports, structured threat assessment documents, CSI and TACT meeting records, investigator notes and other information relevant to the threat as gathered lawfully from official channels or via open source.

A CPU supplementary investigative file may also be created when a person is determined to present a credible, significant and moderate risk threat, if the nature of the concerning behavior is persistent, ongoing or pervasive.

No CPU supplementary investigative file shall be created to collect information or intelligence about the activities or ideology of a group or organization. Due to the critical need for quick access to relevant information about persons who present repeat or ongoing threats to public safety, CPU supplementary investigative files shall be maintained securely in CIB. At the close of each fiscal year, the manager and supervisor of the CPU shall conduct an audit and purge the appropriate CPU supplementary investigative files according to the University of California Records Retention Schedule. CPU supplementary investigative files are considered to be exempt from public disclosure per Government Code §6254(f).

609.6 TRAINING

The CPU detectives, supervisor, and manager should all complete official training in the structured threat assessment tool and process utilized by UCRPD.

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The CPU detectives and supervisor should receive a minimum of 20 hours of initial training in the assessment, investigation and mitigation of threats, in addition to any other training pertinent to their duties as a criminal investigator or their specific roles within CPU (Student Mental Health, Employee / External, Special Victims). Annual update training may also be assigned as needed.

All sworn personnel should receive periodic basic threat assessment training.

Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

610.1.1 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.

610.2 POLICY

The UC Riverside 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.

610.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

The use of an interpreter or assistant to conduct eyewitness identification should be documented in the officer's report.

610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigative Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

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- (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.

610.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

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).

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610.6 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup 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.

610.6.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that 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).

610.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when 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:
 - (a) The length of time the witness observed the suspect.
 - (b) The distance between the witness and the suspect.
 - (c) Whether the witness could view the suspect's face.
 - (d) The quality of the lighting when the suspect was observed by the witness.

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- (e) Whether there were distracting noises or activity during the observation.
- (f) Any other circumstances affecting the witness' opportunity to observe the suspect.
- (g) 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 at the time of show-up.
- (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.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.
- (i) Members should ensure to the greatest extent possible, the identity of the witness(es) is not readily discernible to the suspects or potential associates of the suspects who may be present at the location of a live field show-up.
- (j) If possible, photographs of the person who is the subject of the show-up, depicting the subject, location and conditions as they appeared at the time of the show-up, should be taken and submitted with the report.

610.8 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

610.8.1 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).

610.8.2 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).

Brady Material Disclosure

612.1 PURPOSE AND SCOPE

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

612.1.1 DEFINITIONS

Definitions related to this policy include:

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

612.2 POLICY

The UC Riverside 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 UC Riverside 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.

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

612.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

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- (a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.
- (b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in-camera review by the court.
- (c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (d) The Custodian of Records shall accompany all relevant files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

612.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

612.6 TRAINING

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

Operations Planning and Deconfliction

613.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

613.1.1 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.

Surveillance Operations - Operations involving the covert, continuous and lengthy observation of a person who is suspected of a criminal offense, or of a place likely to be the location of a criminal offense. Surveillance operations might or might not also be high-risk.

613.2 POLICY

It is the policy of the UC Riverside 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.

613.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director 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 operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

613.4 RISK ASSESSMENT

613.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present, and the involved location. These sources may include regional intelligence and criminal justice databases,

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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).

613.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

613.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - (a) (SRT).
 - (b) Additional personnel.
 - (c) Outside agency assistance.
 - (d) Special equipment.

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- (e) Medical personnel.
 - (f) Persons trained in negotiation.
 - (g) Additional surveillance.
 - (h) Canines.
 - (i) Property and Evidence Section or analytical personnel to assist with cataloguing seizures.
 - (j) Forensic specialists.
 - (k) Specialized mapping for larger or complex locations.
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
 - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
 - (d) Coordinate the actual operation.

613.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

613.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives, and strategies.
- (b) Operation location and people:
 - (a) 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).

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- (b) 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, animals on-site, 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.
- (c) 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).
- (d) 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.
 - (a) The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
 - (a) An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 - (b) How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety, and Animal Control policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing, and approving reports.

613.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

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613.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
 - (a) Exceptions may be made by the operations director for officers who are conducting surveillance or working undercover. 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.
 - (b) In cases where the execution of the search warrant is part of a larger investigation operation with potential for subsequent search warrant service, care should be taken to not compromise the identity of any personnel involved at the location in an undercover capacity, if they will be involved in further embedded investigative matters related to the case.
- (d) The briefing should include details of the communications plan.
 - 1. It is the responsibility of the operations director 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.

613.8 SRT PARTICIPATION

If the operations director determines that SRT participation is appropriate, the director and the SRT supervisor shall work together to develop a written plan. The SRT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SRT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

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613.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

613.10 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 SRT debriefing.

613.11 SURVEILLANCE OPERATIONS

Surveillance operation approval, command, communication, and documentation shall comply with the relevant portions of this policy.

Surveillance operations may utilize covert audio and/or video and other technologies as permitted by law and policy and when authorized by the Chief of Police or their designee.

- (a) Where a reasonable expectation of privacy exists, covert camera equipment will be used only temporarily and pursuant to a court order.
- (b) Any release of surveillance audio and/or video must be authorized in accordance with federal and state laws & institutional and Department policies.
- (c) Agency retention of surveillance audio and/or video recordings will adhere to all federal and state laws & institutional and Department policies.

Surveillance operations may involve the use of other equipment, vehicles or facilities as necessary and appropriate for the specific situation, as authorized by the watch commander or supervisor.

Prior to any surveillance operation, communications procedures will be discussed and coordinated with all involved sworn and dispatch personnel. Notification of the operation will be made to the on-duty patrol supervisor, any additional watch commander, and to any outside agency that may be involved or affected.

613.12 TRAINING

The Training Sergeant should ensure officers and SRT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Warrant Service

614.1 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.

614.2 POLICY

It is the policy of the UC Riverside 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.

614.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

614.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

614.4.1 COURT ORDERS FOR STUDENT RECORDS

The Family Education Rights and Privacy Act (FERPA) generally requires that search warrants for student records not be executed until the student whose records are the target of the search be notified and has an opportunity to respond. If officers intend to seek student records via a search warrant, they shall show cause in their warrant for the delay of this notification and shall work with the Registrar to ensure compliance with FERPA prior to the service of a warrant for student records.

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614.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

614.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience, and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

614.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution

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of a search warrant. The images should include the surrounding area and persons present.

- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

614.7.1 NO-KNOCK WARRANT SERVICE

This department does not authorize the use of no-knock warrants by any UC Riverside employed police officer. A no-knock warrant is a search and/or arrest warrant authorizing police officers to enter certain premises without first knocking and announcing their presence or purpose prior to entering the premises. UCRPD officers shall first knock and announce their presence or purpose prior to entering a premises in the execution of any warrant service.

Should a high-risk search and/or arrest warrant require the potential use of a no-knock method of service, the Chief of Police shall be notified to determine the appropriateness of creating a temporary exception to this policy.

614.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

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Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

614.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

614.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director 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 operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the UC Riverside Police Department are utilized appropriately. Any concerns regarding the requested use of UC Riverside Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

The operations director should assess the warrant for issues pertaining to student records and FERPA requirements associated with the search for these records. If the search warrant is for student records, the operations director shall contact the Registrar prior to the service of the warrant to ensure compliance with University policies and FERPA.

If the operations director is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside UC Riverside Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the UC Riverside Police Department when assisting outside agencies or serving a warrant outside UC Riverside Police Department jurisdiction.

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614.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

614.12 TRAINING

The Training Sergeant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

614.13 NO-KNOCK ENTRIES

No-knock entries are only authorized if a no-knock warrant has been obtained or if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer or another person.

614.14 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

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.

Twice annually, all equipment maintained on the Tactical and Emergency equipment inventory shall be inspected by the Support Services Division Commander or their designee. The Division Commander shall prepare a report to the Chief of Police documenting the results of that inspection and shall include recommendations for repair or replacement of equipment as is necessary to maintain function and readiness.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

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Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the University, 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.

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2 POLICY

The UC Riverside Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.3 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department.

702.4 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (b) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications).
 - (a)
- (c) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or

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material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

- (d) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the UC Riverside Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

702.5 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (f) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

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702.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

702.7 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.8 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

Vehicle Maintenance

704.1 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.

704.2 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.

704.2.1 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.

704.2.2 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.

704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory and/or the appropriate secured storage area prior to the vehicle being released for maintenance, service or repair.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 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:

Function emergency lights appropriate to the vehicle's intended use

Functioning siren

Functioning PA system

10 Emergency road flares

1 Roll Crime Scene Barricade Tape

1 First aid kit, CPR mask

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Vehicle Maintenance

1 AED (Automatic external defibrillator)

1 Fire Extinguisher

1 Traffic Safety Vest

704.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

1 Roll Crime Scene Barricade Tape

1 Traffic Safety Vest

704.4 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.

704.5 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.

704.6 NON-SWORN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the "out of service" placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Vehicle Use

706.1 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 University of California, Riverside to provide assigned take-home vehicles.

706.2 POLICY

The UC Riverside 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.

706.3 USE OF VEHICLES

706.3.1 SHIFT ASSIGNED VEHICLES

The Watch Commander shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during the member's shift, the new vehicle number shall be documented on the roster.

706.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Watch Commander. A notation will be made on the shift assignment roster 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.

706.3.3 INSPECTIONS

Officers shall inspect their assigned patrol vehicle prior to beginning their shift. In that inspections, they shall assess:

- (a) Evidence of unreported damage to the vehicle's interior or exterior structure
- (b) Maintenance needs and general operational readiness
- (c) Presence or absence of required and issued equipment normally maintained in the vehicle
- (d) Functionality of that equipment
- (e) State of the prisoner area, including the presence or absence of weapons and contraband

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Officers shall inspect the weapons systems maintained in their assigned patrol vehicle prior to beginning their shift. In that inspection, they shall assess:

- (a) Status of each weapon system (patrol ready)
- (b) Presence and condition of ammunition appropriate to the weapon
- (c) General state of repair of the weapon

Officers completing a vehicle inspection shall document their inspection on a department-approved form. If serious or uncorrectable deficiencies are discovered, the inspecting officer shall document those deficiencies on their inspection report, and shall immediately notify the watch commander of the issue(s) discovered.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any person in custody, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

706.3.5 MDC

Members assigned to vehicles equipped with a Mobile Data Center (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Communications Center. Use of the MDC is governed by the Mobile Data Center Use Policy.

706.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

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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 Division Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

706.3.7 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.

706.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than University personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

706.3.9 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.

706.3.10 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.

706.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

706.3.12 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of

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service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

706.4.1 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.

706.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the University of California, Riverside University 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.

706.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the University of University of California, Riverside is a prime consideration for assignment of a take-home vehicle. Members who reside outside the University of University of California, Riverside may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

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Members are cautioned that under federal and local tax rules, personal use of a University vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander 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 Division Commanders 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, Division Commanders or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC 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.
 - (a) No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - (b) All weapons shall be secured while the vehicle is unattended.
 - (c) All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

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- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

706.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the UC Riverside Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

706.4.5 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 the assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

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706.5 UNMARKED VEHICLES

Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a division supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also record the use with the Watch Commander on the shift assignment roster.

706.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

706.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the University 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.

706.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Personal Protective Equipment

707.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

707.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

707.2 POLICY

The UC Riverside Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

707.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

707.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

707.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

707.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

707.7 RESPIRATORY PROTECTION

The UCR Environmental Health and Safety Department is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

707.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

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- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

707.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

707.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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707.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

707.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

707.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

707.8 RECORDS

The UCR Environmental Health and Safety Department is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.

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- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

- 1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

707.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

Cash Handling, Security and Management

708.1 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.

708.2 POLICY

It is the policy of the UC Riverside 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.

708.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

708.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

708.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the University.

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Cash Handling, Security and Management

708.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Investigation Bureau supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

708.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping, as evidence, or as 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.

Military Equipment

709.1 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).

709.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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709.2 POLICY

It is the policy of the UC Riverside Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

709.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of UC Riverside 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.

709.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

[\[https://regents.universityofcalifornia.edu/regmeet/sept22/c1attach2.pdf\]](https://regents.universityofcalifornia.edu/regmeet/sept22/c1attach2.pdf)

709.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.

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- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

This approval is intended to permit the Department to maintain its stock of military equipment at the quantities last approved by the governing body responsible for such approval. Accordingly, the Department can engage in any of the activities listed in section 709.5(a)-(g) without seeking additional approval, so long as the Department does not exceed the already-approved quantity.

709.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

709.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

The annual military equipment report shall, at a minimum, include the following information for the immediately-preceding calendar year for each type of military equipment:

- (a) A summary of how the equipment was used and the purpose of its use.
- (b) A summary of any complaints or concerns received concerning military equipment.
- (c) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (d) The total annual cost of each type of military equipment, including acquisition, personnel training, and from what source funds will be provided for the military

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equipment in the calendar year following the period of time described in the annual military equipment report.

- (e) The quantity possessed for each type of military equipment.
- (f) If the Department intends to acquire additional military equipment in the calendar year subsequent to that covered in the report, the quantity sought for each type of military equipment.

709.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the Department's funding, acquisition, or use of military equipment (Government Code § 7072(b)).

709.9 MILITARY EQUIPMENT USE CONSIDERATIONS

The military equipment acquired by the Department and authorized by the governing body (Government Code § 7071(d)) shall be subject to the following use considerations:

- (a) It is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- (b) The military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- (c) It is reasonably cost-effective compared to available alternatives, if any, that can achieve the same objectives of officer and civilian safety.
- (d) The equipment shall only be used by a department employee after that employee has completed all applicable training, including any course required by the California Commission on Peace Officer Standards and Training, unless exigent circumstances exist that dictate otherwise.

Long Range Acoustic Device (LRAD)

710.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures for properly deploying the Long-Range Acoustic Device (LRAD).

710.2 POLICY

It is the policy of the University of California Riverside Police Department that a Long Range Acoustic Device (LRAD) be used with live or recorded voice messages to communicate with the community during natural disasters, crowd management and control situations, or when other forms of communication are ineffective in communicating messages from Police, Fire or other University Departments to resolve situations where communicating with the public safely is paramount.

LRAD-100X is not designed or designated to be used as a weapon. Members of the University of California Riverside Police Department shall not use any LRAD system as a weapon.

710.3 DEFINITIONS

Long Range Acoustic Device (LRAD) - A high-intensity directional acoustical array for long range, clear hailing, and notification. The LRAD is primarily used as a communication device that can transmit live or prerecorded messages.

LRAD-100X - The Department utilizes the LRAD-100X system, a self-contained, lightweight, and compact battery-powered hailer, to communicate with great intelligibility up to six hundred meters. Unlike handheld bullhorn devices, the LRAD-100X emits acoustic sound pressure levels up to 140 dB, resulting in clear, intelligible communications.

Decibels (dB) - a unit for expressing the relative intensity of sounds on a scale. The decibel scale ranges from 0 to 194 decibels. The threshold of audibility is zero decibel, and the threshold of physical pain for the human ear is around 130 decibels. These sound ratings (dB) are measured one meter from the device. To understand the producible volume level of the LRAD in relation to normal sounds, see the table below:

20 dB-leaves rustling	60 dB-normal conversation
70 dB-busy street traffic	80 dB-vacuum cleaner
85 dB-hearing protection required (OSHA)	100 dB-large orchestra
105 dB-lawn mower	110 dB-front row, concert
115 dB-limit of sound permitted in industry	130 dB-threshold of pain, deafening
135 dB-LRAD 100X at max volume	140 dB-military jet at takeoff (50 meters)
146 dB-LRAD 500 at max volume	160 dB-permanent hearing damage

Alert Tone – a high-pitched, pulsating sound generated by the device, similar to a car alarm

ACGIH - American Conference of Governmental Industrial Hygienists

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NIOSH -National Institute for Occupational Safety and Health

OSHA -Occupational Safety and Health Administration

710.4 USE OF THE LRAD

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance free speech and expression with practical public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

The LRAD shall not be used as a "sonic weapon" or a method of pain compliance. The LRAD shall only be used as a public announcement system to broadcast audible notifications and warnings over distance. The LRAD should only be used at decibel levels and frequencies that are safe for the intended purpose and not reasonably likely or intended to cause injury. The department members may utilize the LRAD in the following situations:

1. Communicating lifesaving information to residents during disasters
2. Communicating to large crowds during events, parades, festivals, concerts, and sporting events
3. Traffic control management
4. Conducting System-wide Response Team (SRT) operations
5. Communicating to protestors and the dispersal of crowds
6. Communication during hostage and barricaded subject situations
7. During the service of high-risk search or arrest warrants
8. Communicate to suicidal persons where other methods of communication are ineffective or not practical
9. Conducting search and rescue operations

710.5 PROCEDURES

LRAD Operation

1. The LRAD can play prerecorded messages, work as a Public Address system, or emit a high-intensity tone. Personnel operating the LRAD should wear appropriate hearing protection, whether standing in front of or behind the unit
2. Authority to use the LRAD must be approved by the Watch Commander, Incident Commander, Supervisor, or designee. Only trained personnel are authorized to operate the LRAD
3. Never operate the LRAD-100X at maximum volume when personnel are within ten meters of the front of the device or when reflected distance between personnel and an acoustically reflective object (i.e., a building, a wall, etc.)
4. Never point the LRAD-100X directly at personnel in the immediate vicinity of its operating position

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Long Range Acoustic Device (LRAD)

5. Note the output power of the warning tone is slightly higher than the output power of live broadcasts or other audio files
6. The LRAD-100X can produce acoustic sound pressure levels that OSHA considers hazardous, users should avoid prolonged exposure
7. As with any high-energy acoustic device, proper usage of earplugs will minimize the risk of hearing loss to the operator and personnel in the immediate vicinity. Hearing protection is required when operating the device at maximum volume from less than a meter away
8. Operators must ensure that the device is positioned, aimed, and operated in a manner that avoids exposing nearby personnel and bystanders to excessive sound pressure levels
9. Operators standing behind the unit hear only a small fraction of the sound energy being transmitted; this can lead the operator to falsely think that the LRAD-100X is not producing the required output
10. The LRAD 100X has a volume control with a graph that indicates intensity by color: green is the lowest level of sound output, yellow is intermediate, red is the most intense volume (the LRAD should not be operated in the Red Zone if subjects are closer than 10 meters)

LRAD Use Instructions

1. Point the LRAD in the direction of the subject(s) and turn the unit on. Increase the volume within the restrictions of this procedure until the message is clearly audible. It is recommended that an officer be placed behind any subject(s)/crowd to determine whether the message is intelligible and safely audible. Consider using a general-purpose sound meter to measure the sound levels for usage exceeding 15 minutes
2. The LRAD shall not be operated in the red zone if subjects are closer than 10 meters from the LRAD 100X
3. Use the alert tone in a "short burst" (2-5 seconds) to gain attention; transmit a prerecorded message on the MP3 player (like an order to disperse or an evacuation order); or use the microphone for live, PA-type messaging
4. "Voice boost" should be off when using the microphone
5. The chart below shows the permissible sound levels for a given period of time

Duration of Exposure (hrs/day)	Sound Level		
	ACGIH	NIOSH	OSHA
16	82	82	85
8	85	85	90
4	88	88	95
2	91	91	100
1	94	94	105
30 minutes	97	97	110

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15 minutes

100

100

115*

***NOTE: Subjects should not be exposed to continuous or intermittent noise in excess of 115 dB or to impulsive or impact noise (alert tone) in excess of 140 dB peak sound pressure level.**

710.6 REPORTS

The use of an LRAD device shall be included in incident or after-action reports. The report will include the following:

1. User(s) and the supervisor providing authorization
2. Circumstances surrounding the use of the LRAD
3. Approximate distance(s) between the LRAD and persons to the front of the device when in use
4. Dial settings used on the LRAD at the time of its use(s)
5. Time, duration of use, and number of uses

Chapter 8 - Support Services

Communications Center

800.1 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.

800.2 POLICY

It is the policy of the UC Riverside 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.

800.3 THE COMMUNICATIONS CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Communications Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Communications Center.

Access to the Communications Center shall be limited to the Communications Center members, department members, law enforcement personnel and/or authorized personnel with a specific business-related purpose.

800.3.1 CAD/RMS ACCESS

The Communications Supervisor will issue and manage access rights for members with responsibilities that require use of the department Computer Aided Dispatch (CAD) and/or Records Management System (RMS). Department members needing new or temporary access rights to CAD/RMS shall submit a request in writing to the Communications Supervisor for review, explaining the scope and justification for their request.

800.3.2 RECORDING SYSTEM ACCESS

The Communications Supervisor will ensure that the Communications Center radio and telephone recordings are secured via individually-issued login credentials and passwords, and that such recordings are only directly accessible by the Communications Supervisor, the UCPD Information Systems Manager, UCPD Public Safety Dispatchers, and any other persons specifically authorized by the Chief of Police. Department members with a right and need to access or duplicate radio and telephone recordings may do so only with approval from the Communications Supervisor, or from a sworn supervisor or manager in their absence. Criteria and procedures for the release of recordings outside the department are established within the Records Maintenance and Release policy.

The radio and telephone recording systems shall be configured to and capable of maintaining in buffer all recordings for a minimum of 30 (thirty) days.

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This policy section is not intended to restrict the review of the Communications Center radio or telephone recordings by department members when necessary for public safety or another compelling and immediate department need.

800.4 ALLIED AGENCY RADIO MONITORING

Radio scanners are maintained in the communications center and in the patrol vehicles in order to assist with the monitoring of allied agency radio traffic that may be pertinent to U.C. Riverside Police Department patrol operations.

Patrol officers and dispatchers should monitor the City of Riverside Police Department primary channel while in a patrol vehicle and at the communications console for radio traffic related to priority calls that may approach the jurisdiction of the U.C. Riverside Police Department. This monitoring is a responsibility that is shared between patrol and communications, and if an exigent broadcast is missed by either group, those who hear the broadcast should relay it on the primary radio channel. Once relayed on the primary channel, the dispatcher shall monitor the scanner traffic for pertinent information and relay it to field units.

800.5 RESPONSIBILITIES

800.5.1 COMMUNICATION CENTER SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Supervisor. The Communications Supervisor is directly responsible to the Patrol Division Commander or the authorized designee.

The responsibilities of the Communications 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) Processing requests for copies of the Communications Center information for release.
- (f) Maintaining the Communications Center database systems.
- (g) Maintaining and updating the Communications Center procedures manual.
 - (a) 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.
 - (b) Ensuring dispatcher compliance with established policies and procedures.

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- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of University personnel to be notified in the event of a utility service emergency.
- (j) Maintaining a system for the documentation of misdirected emergency calls (including 911, blue light emergency telephones and elevator telephones) and ensuring they are forwarded to the appropriate entity for correction.

800.5.2 ADDITIONAL PROCEDURES

The Communications Supervisor should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Emergency Medical Dispatch (EMD) instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas and power sources for the Communications Center (e.g., security cameras, fences).
- (j) Handling misdirected, silent and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

800.5.3 DISPATCHERS

Dispatchers report to the Communications Supervisor. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 1. Emergency 9-1-1 lines.
 2. Business telephone lines.
 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.

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4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
 5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units)
 - (c) Inquiry and entry of information through the Communications Center, department and other law enforcement database systems (CLETS, DMV, NCIC).
 - (d) Monitoring department video surveillance systems.
 - (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
 - (f) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
 - (a) Vehicle pursuits.
 - (b) Foot pursuits.
 - (c) Assignment of emergency response.
 - (g) Monitoring campus alarm systems.

800.6 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.

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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 shall provide callers with other information and/or service referrals upon request (e.g. emergency food & shelter resources, outside agencies, community services, University units/resources, hospitals, etc.). Callers with serious, urgent or extensive need for this type of assistance should be offered the opportunity to speak directly with a peace officer (or another qualified department member) whether by telephone or in person. If no officer or qualified department member is immediately available, the dispatcher shall provide the caller with the name of an appropriate department member and their telephone number (and/or email address), and forward the call to that voicemail if one exists.

Dispatchers should be courteous, patient and respectful when dealing with the public.

Dispatchers shall advise the caller of the department's response, which may include a direct response and/or referral to another agency.

800.6.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

Upon receipt of a misdirected or hang-up emergency call from a location outside this agency's primary jurisdiction, the call shall be promptly forwarded or reported to the agency having primary jurisdiction at that location. If that location is also within this agency's routine patrol area, the dispatcher should then notify the supervisor or broadcast an informational message so that officers can determine if they should also respond.

800.6.2 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.

800.7 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 should be professional and made in a calm,

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businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications 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.

800.7.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

UC Riverside Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements. Dispatchers may view the current FCC rules and regulations by following the link on the desktop of each dispatch position's campus-side computer.

800.7.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

800.8 BACKUP POWER GENERATOR

The Communications Manager shall ensure the operational readiness of the backup power generator by ensuring and documenting:

- (a) Monthly, inspections and any necessary tests of the generator, and
- (b) Annually, a comprehensive test of the generator capacity under sustained and full load.

An unscheduled power outage that results in the backup power generator successfully activating and operating for at least two hours may be documented as the equivalent of an annual comprehensive test.

800.9 DOCUMENTATION

It shall be the responsibility of the Communications Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay

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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 includes, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

800.9.1 REQUIRED INCIDENT REPORTING

The primary dispatcher shall record the information described in section 800.9, at a minimum, in the following instances:

- (a) reports of crimes or violations of campus policy
- (b) calls for service or assistance to individuals on campus property
- (c) officer self-initiated activity
- (d) assists to outside agencies performing official duties on campus property
- (e) any incident which results in an arrest, citation, or other official summons

800.10 CONFIDENTIALITY

Information that becomes available through the Communications Center may be confidential or sensitive in nature. All members of the Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

800.11 DISPATCHER SHIFT SELECTION

Dispatchers should be assigned to a shift based on bid preferences and according to seniority, in a manner consistent with the current applicable labor agreement. However, upon completion of initial training and while considered probationary, Dispatchers should be assigned to a shift

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based on department need, respecting the seniority and most recent shift bid preferences of other dispatchers as reasonably possible.

Dispatchers on leave, or on modified duty with restrictions preventing them from performing full duties, may not bid for a shift assignment without confirmation prior to the shift bid process that they are clear to return to full duty on or before the first day of the new shift assignment.

Dispatchers completing probation, or returning from leave or modified duty that began after the start of the current shift assignment, should remain on or return to the shift to which they were most recently assigned until the next shift assignment, unless department needs dictate otherwise.

Dispatchers returning from leave that began before the start of the current shift assignment (and who did not bid for a shift) should be assigned to a shift until the next shift rotation based on department need, respecting the seniority and most recent shift bid preferences of other dispatchers as reasonably possible.

800.11.1 LIMITS ON SHIFT SELECTION

Regardless of seniority, no dispatcher will be allowed to remain on the same shift for more than a year, or for more than two rotations when shift rotations do not match exactly the calendar year. Furthermore, regardless of seniority, no dispatcher shall be required to work different shifts on the same side of the 24-hour clock for more than one year or two rotations, when those rotations do not match the calendar year (e.g. no more than two rotations on "graveyards" or two rotations on "days", regardless of the actual days off on each rotation).

Any exception to this requirement must be approved by the Support Services Division Commander.

800.12 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 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. Care shall be taken to maintain the chain of custody for all evidence. Any member handling property shall take appropriate measures to keep it safe and secure while in possession and upon storage in Department facilities. Particular care should be taken for items of exceptional value, sensitivity, or fragility.

In the case of items of found property with minimal value (keys, sunglasses, etc) they may be stored in the found property lockers outside of the Communications Center.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

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 a barcode label for each item of property, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

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- (b) Mark each item of evidence 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 a barcode label and attach it to each package or envelope in which the property is stored.
- (d) Place the property in the appropriate storage locker for safekeeping.
- (e) Document storage location in related reports.
- (f) When the property is too large to be placed in a locker, the item may be retained in the property room or the outside locked storage area.

802.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record and appropriate packaging and envelope. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

802.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The Riverside County Sheriff's bomb squad, or Riverside Police Department's Technical Services Unit, will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives. Any response of these units shall be documented in the report by the handling officer.

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 Officer 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 prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be returned to the Department of Motor Vehicles. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property should be placed in the bicycle storage area until a Property Officer can log the property.
- (d) All cash shall be counted in the presence of another officer and the envelope initialed by the booking officer and the witness officer. The Watch Commander shall be contacted for cash in excess of \$1,000 for special handling procedures.

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University property, unless connected to a known criminal case, should be released directly to the appropriate University 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, lawfully 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 Officer shall ensure the Records 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 Section Policy).

802.3.6 ALTERNATIVE STORAGE AREAS

When the property room lockers are unavailable for securing property and the Property and Evidence Technician is unavailable, evidence and property may be temporarily stored in the large item/bike storage area, or, if appropriate, in the temporary evidence lockers available in the evidence processes room.

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.

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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 a property locker.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the property room. The booking officer shall seal the envelope with evidence tape and place their initials and date in a manner that covers both the envelope and the tape seal. Narcotics and dangerous drugs shall not be packaged with other property.

A completed barcode label shall be attached to any item being placed in a property/evidence locker.

802.5 RECORDING OF PROPERTY

The Property Officer receiving custody of evidence or property shall scan the property barcode and designate where the property will be stored.

A property number shall be obtained for each item or group of items. This number shall be recorded on a evidence barcode label.

Any changes in the location of property held by the UC Riverside Police Department shall be noted in the property evidence module.

802.6 PROPERTY CONTROL

Each time the Property Officer receives property or releases property to another person, he/she shall enter this information on the property

evidence module. Officers desiring property for court shall contact the Property Officer at least one day prior to the court day.

802.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry into the evidence module shall be completed to maintain the chain of evidence. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property Officer. This request may be filled out any time after booking of the property or evidence.

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802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property evidence module.

All evidence to be released to the lab shall be packaged in accordance with this policy. If the receiving lab requests alternate packaging, every effort shall be made by the transporting officer to comply with that request. All such efforts shall be documented promptly in the report.

The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time and indicate the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

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 noted in the property evidence module.

The Property Officer shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property evidence module, indicating date, time, and the person who returned the property.

802.6.4 AUTHORITY TO RELEASE PROPERTY

The Investigative Bureau 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 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 and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction

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or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property Officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

802.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

802.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Property and Evidence Manager will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health 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 Officer shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

802.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

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- (a) If a petition for a hearing regarding the return of the weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the 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) which 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 weapon is not retained as evidence, the Department shall make the weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ which 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 lawfully retained as provided in Welfare and Institutions Code § 8102.

802.6.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the UC Riverside 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.

802.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90-days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Officer 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:

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- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750).
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a).
- Counterfeiting equipment (Penal Code § 480).
- Gaming devices (Penal Code § 335a).
- Obscene matter ordered to be destroyed by the court (Penal Code § 312).
- Altered vehicles or component parts (Vehicle Code § 10751).
- Narcotics (Health and Safety Code § 11474 et seq.).
- Unclaimed, stolen or embezzled property (Penal Code § 1411).
- Destructive devices (Penal Code § 19000).
- Sexual assault evidence (Penal Code § 680).

802.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

802.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section 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 Investigative Services Division supervisor.

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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 Section 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 Investigative Services Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigative Services 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 quarterly 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 used for the control of property and evidence.
- (b) Whenever a new Chief of Police is appointed, the supervisor of the evidence custodian shall direct an inventory of all evidence and property storage areas, to be conducted jointly with the Property and Evidence Technician and a department member not routinely connected with the property and evidence function. This member shall be designated 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.

Records Section

804.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the UC Riverside Police Department Records Section. The policy addresses department file access and internal requests for case reports.

804.2 POLICY

It is the policy of the UC Riverside Police Department to maintain department records securely, professionally, and efficiently.

804.3 RESPONSIBILITIES

804.3.1 RECORDS SECTION MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to a Records Section Manager. The Records Section Manager shall be directly responsible to the Support Services Division Commander or the authorized designee. The responsibilities of the Records Section Manager include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Section.
- (b) Supervising, training, and evaluating Records Section staff (if applicable).
- (c) Maintaining and updating a Records Section procedure manual.
- (d) Ensuring compliance with established policies and procedures.
- (e) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (f) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
 1. Homicides.
 2. Cases involving Department members or public officials.
 3. Any case where restricted access is prudent.

804.3.2 RECORDS SECTION

The responsibilities of the Records Section include but are not limited to:

- (a) Maintaining a records management system for case reports.
 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 1. Modification of case reports shall only be made when authorized by a supervisor.

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- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:
 - 1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
 - 2. Suspected hate crimes (Penal Code § 13023).
 - 3. Complaints of racial bias against officers (Penal Code § 13012; Penal Code §13020).
 - 4. Civilian complaints made against officers (Penal Code § 832.5; Penal Code §13012).
 - 5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
 - (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
 - 6. Anti-reproductive rights crime information required by Penal Code § 13777.
 - 7. Uniform Crime Report (UCR) data in compliance with National and California Incident Based Reporting Systems (NIBRS / CIBRS) requirements.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the DOJ pursuant to Penal Code §34010 (Penal Code § 29810).
- (h) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).
- (i) Maintaining compliance with the state and DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).
- (j) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

804.3.3 RECORDS SECTION PROCEDURAL MANUAL

The Records Sections Manager should establish procedures that address:

- (a) Identifying by name, persons in reports.

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- (b) Classifying reports by type of incident or crime.
- (c) Tracking reports through the approval process.
- (d) Assigning alpha-numerical records to all arrest records.
- (e) Managing a warrant and wanted persons file.

804.4 RECORDS MANAGEMENT SYSTEM

The Records Section Manager shall ensure the computer-based Records Management System (RMS):

- (a) Automatically assigns a unique number to each event or report when generated,
- (b) Maintains a master name index that can be viewed alphabetically,
- (c) Accurately classifies and allows for the retrieval of event records by type and location,
- (d) Includes a local arrest history for all persons who have been summoned, cited, or placed under custodial arrest by the Department.

804.4.1 RMS ADMINISTRATION

To ensure the accurate status, classification, dissemination and disposition of reports, the Records Section Manager or their designee will:

- (a) Review RMS each workday to verify that event and case numbers are properly assigned and accounted for.
- (b) Regularly monitor the report submission and supervisory approval process within RMS to ensure reports are consistently:
 1. Completed in a timely manner as specified within policy,
 2. Inclusive of all information necessary to generate an accurate and complete Daily Crime Log,
 3. Updated with an appropriate final disposition in a timely manner, and
 4. In compliance all other expectations for timely, accurate and complete reporting of required information.

If report discrepancies or deficiencies of these types are found, the Records Section Manager is responsible for notifying and consulting with the appropriate Field Operations supervisor or manager to correct the issue.

804.5 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Section, accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through any supervisor.

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Department members seeking information and/or copies of files secured in the Records Section (other than information which they are authorized to access via their CAD/RMS account) shall submit a request in writing, for review and consideration by the Records Section Manager or their designee. Access to such information and/or copies of files when Records Section staff is not available, may be obtained through the Watch Commander, who is responsible for sending the Records Section Manager a written notice of any such access that was granted without unnecessary delay, including the date and time that access was granted, the specific information and/or files that were obtained, and to whom the information and/or files were provided.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

804.6 ORIGINAL CASE REPORTS

Generally, printed copies of case reports shall only be created when a need for a printed copy arises, such as in court testimony or Public Records Act requests. Department personnel shall not print copies of original police reports from RMS without a specific, identifiable need. When printing a report, Department personnel shall indicate the reason for printing in the appropriate section in RMS. That indicated reason shall be as specific as is reasonably possible.

804.6.1 PRINTED ORIGINAL CASE REPORTS

The Department maintains printed copies of some case reports which are treated as original copies of those reports; those reports are maintained in the Records Section.

Generally, these original case reports shall not be removed from the Records Section. Should one of these original case reports be needed for any reason, the requesting department member shall first obtain authorization from the Records Manager. All original case reports removed from the Records Section shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Section.

804.7 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

804.8 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the UC Riverside 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 Support Services Commander. The Support Services Commander 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.

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Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Support Services Commander should forward the petition to the Investigative Bureau Supervisor and the Campus Counsel for review. After such review and consultation with the Campus Counsel, the Investigative Bureau Supervisor and the Support Services Commander shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Support Services Commander shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Support Services Commander 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.

804.9 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Patrol Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California DOJ is notified.

Restoration of Firearm Serial Numbers

806.1 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.

806.2 PROCEDURE

Any firearm coming into the possession of the UC Riverside Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

806.2.1 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.

806.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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Restoration of Firearm Serial Numbers

806.2.3 OFFICER RESPONSIBILITY

The Property Officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

806.2.4 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.

806.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property Officer will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

806.3 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

808.1 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.

808.2 POLICY

The UC Riverside Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

808.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including:
 1. Identifying the minimum length of time the Department must keep records.
 2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
- (g) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.
- (h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in

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a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

808.4 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.

808.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

- (a) The Department is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
 2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).

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- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

808.4.2 REQUESTS BY CAMPUS AFFILIATES AND AFFILIATE PARENT OR GUARDIAN

For purposes of the preceding section, "any member of the public" includes UC Riverside faculty, staff, and students or other affiliates, as well as any parent or legal guardian of a student or other campus affiliate.

808.5 DISSEMINATION OF POLICE REPORTS AND OPERATIONAL RECORDS

The Records and Communications Manager is responsible for maintaining a record of all requests for and distribution of police reports and other operational records.

No copies of reports or operational records (hardcopy or electronic) shall be disseminated outside of the Department without approval from the Records and Communications Manager, Chief of Police, a member of the Command Staff, or their authorized designee.

"Operational Records" includes any retained hard copy or electronic documentation of the receipt / discovery, response to, and/or disposition of a call for service or another official police field activity, such as notes made by call-takers, dispatchers or other Department members during a call for service or field activity, communications between Department members during a call for service or field activity, photos, Departmental audio or video recordings captured during a call for service or field activity, CAD event records and unit history records, and other similar CAD/RMS information (whether singular or aggregated).

808.5.1 CAMPUS UNITS AND OFFICIALS

Certain police reports may be forwarded to UC Riverside campus units or officials without the completion of a signed and written request, when in compliance with other relevant portions of this policy, and once redacted as necessary and appropriate. This includes:

- (a) Fire Marshal - Reports involving unauthorized or unsafe fires on campus property.
- (b) Environmental Health & Safety - Reports involving possible laboratory, workplace, or foodservice safety deficiencies, and environmental protection deficiencies.

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- (c) Student Health Services - Reports involving campus affiliates' medical needs (including mental health concerns).
- (d) Chief Compliance Officer - Reports involving potential UC Riverside SVSH and/or Title IX violations.
- (e) Housing - Reports involving alleged misconduct by housing residents, and residence hall safety/security deficiencies.
- (f) Student Conduct - Reports involving alleged violations of the Code of Student Conduct.
- (g) Central Human Resources - Reports involving alleged violations of campus policy by staff.
- (h) Risk Services - Reports involving concerns for University liability.

808.5.2 OUTSIDE AGENCIES

Requests for police reports or operational records by outside law enforcement agencies may be made by telephone or in writing. Approval for the distribution of police reports or operational records may only be made upon verification of the recipient's need and right to access the information requested.

808.5.3 INSURANCE COMPANIES AND BACKGROUND INVESTIGATORS

Insurance companies and agencies and companies conducting background investigations may request records in writing via US mail, email, or fax. Approval for the distribution of police reports may only be made upon verification of the recipient's need and right to access the information requested.

808.6 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 7922.200).
- (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 - 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

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2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, a copy of any accompanying or related photographs of the victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of 9-1-1 recordings, if any, pursuant to the requirements and time frames of Family Code § 6228.
 2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.
- (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 7923.605).
1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.
- (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, the Campus Counsel, 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).

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- (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).
- (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
- (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
- (l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).
- (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).
- (n) Records relating to the security of the department's electronic technology systems (Government Code § 7929.210).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

808.7 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, Campus Counsel 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.

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808.8 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

808.9 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Manager shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

808.9.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Manager should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

808.10 SECURITY BREACHES

The Records Manager shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

- (a) Social Security Number.
- (b) 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.

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- (c) 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.
- (d) Medical information.
- (e) Health insurance information.
- (f) Information or data collected by Automated License Plate Reader (ALPR) technology.
- (g) Unique biometric data.
- (h) Genetic data.
- (i) A username or email address, in combination with a password or security question and answer that permits access to an online account.

808.10.1 FORM OF NOTICE

- (a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
 - (a) The date of the notice.
 - (b) Name and contact information for the UC Riverside Police Department.
 - (c) A list of the types of personal information that were or are reasonably believed to have been acquired.
 - (d) The estimated date or date range within which the security breach occurred.
 - (e) Whether the notification was delayed as a result of a law enforcement investigation.
 - (f) A general description of the security breach.
 - (g) 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 UC Riverside 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.

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2. When the breach involves an email address that was furnished by the UC Riverside 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.

808.10.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
 1. Written notice.
 2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
 3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - (a) Email notice when the Department has an email address for the subject person.
 - (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.

808.11 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 § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

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808.11.1 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 § 7923.625).

808.11.2 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 § 7923.625):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (a) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

808.11.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

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808.11.4 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 § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the person's authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

Protected Information

810.1 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 UC Riverside 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.

810.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the UC Riverside 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.

810.2 POLICY

Members of the UC Riverside 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.

810.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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810.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, UC Riverside Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

810.4.1 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).

810.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

810.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

810.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

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In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

810.6 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.

810.6.1 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).

810.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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Protected Information

810.8 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

Computers and Digital Evidence

812.1 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.

812.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
 1. Where the computer was located and whether or not it was in operation.
 2. Who was using it at the time.
 3. Who claimed ownership.

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4. If it can be determined, how it was being used.
 - (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

812.2.1 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.

812.2.2 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.

812.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Section to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

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- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

812.4 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.

812.5 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.

812.5.1 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.

812.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Section as soon as possible for submission into evidence.
- (b) Officers are not authorized to review or copy memory cards. The evidence technicians 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

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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.

812.5.3 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.

812.5.4 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.

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820.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as well as applicable California Education Code requirements.

820.2 POLICY

The UC Riverside Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any UC Riverside Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the UC Riverside Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the UC Riverside Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

820.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

- (a) Ensure that the UC Riverside Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into written agreements as appropriate with local law enforcement agencies to (Education Code § 67381.1):
 1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
 - (a) This includes identification of the responsibilities for sexual assault, hate crimes and Part 1 violent crime investigations (e.g., willful homicide, forcible rape, robbery or aggravated assault as defined in the FBI's Uniform Crime Reporting (UCR) Handbook), and establishing the specific geographical boundaries of each agency's responsibility, including maps as necessary (Education Code § 67381).
 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).

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3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
 4. Notify the UC Riverside Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
 5. Notify the UC Riverside Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
 - (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
 - (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
 - (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

820.3.1 ADDITIONAL REQUIREMENTS

The Chief of Police or the authorized designee will also (Education Code § 67386):

- (a) Assist the institution with the development of policies and procedures relating to sexual assault, domestic violence, dating violence, and stalking involving a student whether it occurred on- or off-campus including:
 1. The differences between standards of proof and defenses in criminal investigations and administrative or disciplinary matters.
 2. Victim-centered protocols including privacy protection, responses to reports, interviews, investigations, required notifications, and participation by victim advocates and other supporting individuals.

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- (b) Assist, as appropriate, with trauma-informed training for campus personnel involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.
- (c) Assist, as appropriate, in the development of the institution's comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.
- (d) Ensure that any reported Part 1 violent crime, sexual assault, or hate crime described in Penal Code § 422.55 (whether it occurred on- or off-campus), is reported as soon as practicable to any local law enforcement agency with investigation responsibilities pursuant to a written agreement with the UC Riverside Police Department or the institution (Education Code § 67380).
 - 1. The identification of the victim shall be withheld, unless the victim consents to being identified after being informed of the right to have their personally identifying information withheld. If the victim does not consent to being identified, then the alleged assailant shall not be identified unless the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the students, employees, or the institution, and the immediate assistance of the UC Riverside Police Department is necessary to contact or detain the assailant (Education Code § 67380).
 - 2. If the institution discloses the identity of the alleged assailant to the UC Riverside Police Department, the institution must immediately inform the victim of that disclosure (Education Code § 67380).
- (e) Ensure the victim receives the following information:
 - 1. Options on rights to obtain a sexual assault forensic medical examination including the right to be accompanied to the examination by a certified sexual assault counselor and/or support person of the victim's choosing
 - 2. How to access transportation to an examination site, including transportation options provided or arranged by the campus

820.4 RECORDS COLLECTION AND RETENTION

The Records Manager is responsible for maintaining UC Riverside Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
 - 1. Murder
 - 2. Sex offenses, forcible or non-forcible
 - 3. Robbery

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4. Aggravated assault
 5. Burglary
 6. Motor vehicle theft
 7. Manslaughter
 8. Arson
 9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
 10. Dating violence, domestic violence and stalking
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
1. The statistics shall be compiled using the definitions in the FBI's UCR system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
 - (a) On campus.
 - (b) In or on a non-campus building or property.
 - (c) On public property.
 - (d) In dormitories or other on-campus, residential or student facilities.
- (c) Statistics will be included by the calendar year in which the crime was reported to the UC Riverside Police Department (34 CFR 668.46(c)(3)).
- (d) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
- (e) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

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820.4.1 CRIME LOG

The Records Manager is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the UC Riverside Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the Department.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
 1. Disclosure of the information is prohibited by law.
 2. Disclosure would jeopardize the confidentiality of the victim.
 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

820.4.2 COMPILING RECORDS FOR DISCLOSURE REQUIREMENTS

The Records Manager is also responsible for compiling the following to allow the institution to comply with its disclosure requirements under Education Code § 67380:

- (a) All occurrences reported to the UC Riverside Police Department and all arrests for crimes that are committed on campus that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.
- (b) All occurrences of noncriminal acts of hate violence reported to the UC Riverside Police Department for which a written report is prepared.

820.5 INFORMATION DISSEMINATION

It is the responsibility of the Support Services Division Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46 (g)).

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- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:
 - 1. Crime statistics and the policies for preparing the crime statistics.
 - 2. Crime and emergency reporting procedures, including the responses to such reports.
 - 3. Policies concerning security of and access to campus facilities.
 - 4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including
 - (a) Procedures victims should follow.
 - (b) Procedures for protecting the confidentiality of victims and other necessary parties.
 - 5. Enforcement policies related to alcohol and illegal drugs.
 - 6. Locations where the campus community can obtain information about registered sex offenders.
 - 7. Emergency response and evacuation procedures.
 - 8. Missing student notification procedures.
 - 9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

820.6 EMERGENCY NOTIFICATIONS AND TIMELY WARNINGS

See the UC Riverside Timely Warning Policy for specific procedures and requirements related to the campus' responsibility for issuing timely warnings and emergency notifications.

[See attachment: Timely Warning Policy August 2023 - Proposed.pdf](#)

820.6.1 COMMAND STAFF REVIEW OF EMERGENCY NOTIFICATIONS

Except in situations involving an immediate threat to the health or safety of students or employees on campus, watch commanders shall seek guidance on and review of any emergency notification sent to the campus using the campus emergency notification system. In situations involving an immediate threat to health or safety of the campus community, watch commanders are expected to act within the requirements of the attached UCR policy.

Animal Control

821.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

821.2 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include:

- (a) Animal-related matters during periods when Animal Control is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

821.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
 3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

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821.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

When handling deceased animals, members should attempt to identify and notify the owner of the final disposition of the animal.

821.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, contact the Riverside County Animal Control Office..

821.5.1 INJURED WILDLIFE

Injured wildlife should be referred to the Riverside County Animal Control Office or the Department of Fish and Wildlife or the Marine Mammal Center as applicable.

821.5.2 RESCUE OF ANIMALS IN VEHICLES

If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

- (a) Make a reasonable effort to locate the owner before entering the vehicle.
- (b) Take steps to minimize damage to the vehicle.
- (c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.
- (d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.
- (e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.
- (f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

821.6 POLICY

It is the policy of the UC Riverside Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

821.7 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to Penal Code § 597 et seq. (cruelty to animals, failure to care for animals).

- (a) An investigation should be conducted on all reports of animal cruelty.

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- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

821.8 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

821.9 STRAY DOGS

If a stray dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate animal care facility.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

821.10 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

821.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

821.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

Chapter 9 - Custody

Custodial Searches

900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the UC Riverside Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

Strip search - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

900.2 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.

900.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

900.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the UC Riverside Police Department facilities. Except in exigent circumstances, the search should be conducted by

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a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

900.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's UC Riverside Police Department identification number and information regarding how and when the property may be released.

900.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place the member's initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.5 STRIP SEARCHES

No individual in temporary custody at any UC Riverside Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

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1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

900.5.1 STRIP SEARCH PROCEDURES

Strip searches at UC Riverside Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the Watch Commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 1. The facts that led to the decision to perform a strip search.
 2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The written authorization for the search, obtained from the Watch Commander.
 4. The name of the individual who was searched.
 5. The name and sex of the members who conducted the search.
 6. The name, sex, and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.

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10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.
 - (g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.
 - (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
 - (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

900.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

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- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Watch Commander's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any department members present.
 - 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

900.7 TRAINING

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Temporary Custody of Adults

902.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the UC Riverside 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.

902.1.1 DEFINITIONS

Definitions related to this policy include:

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 UC Riverside Police Department prior to being released or transported to a housing or other type of facility.

902.2 POLICY

The UC Riverside 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.

Unless specific circumstances dictate otherwise, all arrestee processing completed at the station shall occur in the temporary holding facility. Any arrestee brought into the processing area should be handcuffed or otherwise restrained to the metal bench opposite the exterior entry door; arrestees should not be restrained to any object or fixture not intended for the purpose.

Officers shall log the time and date an arrestee is brought into the processing area, and shall also log the time and date, as well as the disposition of the arrestee, when they are removed from the processing area.

All arrestees should be searched prior to entry into the processing area, and the processing area itself should be searched prior to introducing any arrestee into the area. The arresting officer shall be responsible for ensuring that the arrestee is under constant supervision and visual observation at all times during processing.

902.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

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902.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the UC Riverside Police Department, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).
 - (a) If the officer taking custody of an individual believes that the individual may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to themselves or others (15 CCR 1053; 15 CCR 1055).
- (h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to the individual's health or safety.
- (j) Any individual with an obvious developmental disability (15 CCR 1057).
- (k) Any individual who appears to be a danger to themselves or others due to a behavioral crisis, or who appears gravely disabled (15 CCR 1052).
- (l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
- (m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

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Officers who have in custody anyone who is sick, injured, or physically disabled to a degree that prohibits the safe transport of that person in a Department vehicle should notify the Watch Commander immediately of the situation, and should contact the Riverside Fire Department and/or Robert Presley Detention Center to make arrangements for medical or specialized transport, as necessary.

902.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with the member's supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody has a hearing or speech impairment, accommodations shall be made to provide this ability.

No individual in custody shall be permitted to supervise, control, or exert any authority over other individuals in custody.

902.3.2 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

902.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease, or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate the individual for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication, or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, the individual shall be transported to the University jail or the appropriate mental health facility.

The officer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released, or transported to jail or other facility.

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902.4.0 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that the individual may have the individual's consular officers notified of the arrest or detention and may communicate with them.
 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform the individual without delay that the individual may communicate with consular officers.
 - (c) Forward any communication from the individual to the individual's consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 2. If the country is not on the mandatory notification list and the individual requests that the individual's consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to the individual's consular officers without delay.

902.5 SAFETY, HEALTH AND OTHER PROVISIONS

902.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the UC Riverside Police Department, the custody shall be promptly and properly documented as comments in the originating incident, and shall include:

- (a) Identifying information about the individual, including the individual's name.
- (b) Date and time of arrival at the Department.

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- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the UC Riverside Police Department.

The Watch Commander should review the RIMS incident to approve the temporary custody and should also note in the incident when the individual is released from custody or transferred to another facility.

The Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

902.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted in the RIMS incident.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

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902.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, the person will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the UC Riverside Police Department. They should be released or transferred to another facility as appropriate.

Should a jail or other secure facility contact the Department to request assistance with a prisoner who was booked by the Department and now requires medical care which the facility is unable to provide, the Watch Commander shall be responsible for determining if the prisoner should be released from custody (PC § 849) if appropriate, given the nature of the offense, or if custody of the prisoner should be maintained during any necessary medical transport, evaluation, and treatment. The Watch Commander shall assign personnel adequate to facilitate either option.

902.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to the individual's health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

902.5.5 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations, and logistics should be balanced against the individual's desire for further telephone access.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at the individual's own expense.

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1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
 2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.
- (b) The individual should be given sufficient time to contact whomever the individual desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use the member's judgment in determining the duration of the calls.
 2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that the individual may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).
- (c) Calls between an individual in temporary custody and the individual's attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).
- (d) Individuals who are known to have, or are perceived by others as having, hearing or speech impairments shall be provided access to a telecommunication device which will facilitate communication (15 CCR 1067).

902.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

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902.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

902.5.8 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody, or any other person shall be documented as stated in the Use of Force or Occupational Disease and Work-Related Injury Reporting policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Watch Commander will retain a record of these reports for inspection purposes (15 CCR 1044).

902.5.9 ATTORNEYS AND BAIL BONDSMEN

- (a) An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).
- (b) Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.
- (c) The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.
- (d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.
- (e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

902.5.10 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

902.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the UC Riverside Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

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Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

902.6.1 PREGNANT ADULTS

Adults who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

902.7 TRANSPORTATION OF PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any department vehicle with a restraint system or, when a restraint system is not available, by seat belts provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

An incarcerated person in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

All persons who are in custody should be transported in a vehicle equipped with a safety barrier. If a vehicle with a safety barrier is unavailable, or circumstances dictate that the person in custody must be transported in a vehicle without a safety barrier, the transporting officer should ensure the following:

1. If there is only one officer in the vehicle with the arrestee, the arrestee should be placed handcuffed in the front, passenger seat and secured by the vehicle seat belt. Any unsecured weapons and potential weapons in the cabin should be removed to the rear of the vehicle.
2. If there is an available second officer, the person in custody should be placed handcuffed in the rear seat on the passenger side of the vehicle, with the second officer positioned next to them in the rear seat behind the driver.

If an arrestee is combative, or becomes combative, they should not be transported in a vehicle without a safety barrier and arrangements should be made to have a vehicle so equipped available for transport.

902.8 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried, and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, the individual's items of personal property shall be compared with the inventory, and the individual shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

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The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding the individual's property. The Watch Commander shall attempt to prove or disprove the claim.

902.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Patrol Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the UC Riverside 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 Investigative Services Division Commander.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the Campus Counsel.
- (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).

902.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms, and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of the individual's property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the UC Riverside Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if the individual is being sent to another facility.
 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

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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) Officers shall observe all policies and procedures required by the receiving facility, including any requirements to store/remove issued firearms and other weapons prior to entry.
- (j) The transporting officer should not remove applied restraining devices from the arrestee until directed to do so by the receiving facility.
- (k)

902.11 LOCAL, REGIONAL, AND STATEWIDE DISASTERS

In cases of local, regional, or statewide disasters, the Watch Commander may authorize the release of arrestees detained for misdemeanors or felonies involving property crimes, only. Every available effort shall be made to continue the custody of those arrested for violent felonies to ensure the safety of the public.

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 UC Riverside Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the UC Riverside 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 Support Services Division Commander shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

- (a) Establishment of a written recruitment plan.
 1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and memorandums of understanding or collective bargaining agreements.
- (b) Identification of racially and culturally diverse target markets.
- (c) Use of marketing strategies to target diverse applicant pools.
- (d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (f) Employee referral and recruitment incentive programs.
- (g) Consideration of shared or collaborative regional testing processes.

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The Support Services Division Commander shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
 - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
 - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
 - 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
 - 1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).

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2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).
 - (j) Review board or selection committee assessment
 - (k) Relevant national and state decertification records, if available
 - (l) Any relevant information in the National Law Enforcement Accountability Database

1000.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the UC Riverside Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR 1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).

Due to the potential for accessing unsubstantiated, private, or protected information, the Support Services Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

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The Support Services Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

- (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 Support Services Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation including relevant documentation of bias-related findings and documentation obtained through the social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Support Services Division Commander for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

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- (a) Reports and documentation for candidates hired by the Department shall be retained for the entire term of employment and for a minimum of four years after separation from the Department.
- (b) Reports and documentation for candidates not hired by the Department for a minimum of four years.

1000.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the UC Riverside Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.5.7 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

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Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions.
- (b) Be legally authorized to work in the United States under federal law.
- (c) At least 21 years of age except as provided by Government Code § 1031.4.
- (d) Fingerprinted for local, state, and national fingerprint check.
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953).
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution.
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955).
- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681).
- (i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
 - (a) Reading and writing ability assessment (11 CCR 1951).
 - (b) 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):

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- (a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957).
- (b) An oral communication assessment (11 CCR 1958).
- (c) A medical evaluation (11 CCR 1960).

1000.8 PROBATIONARY PERIODS

The Support Services Division Commander should coordinate with the University of California, Riverside Department of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The UC Riverside Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, specialty assignments, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1002.3 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel will complete a twelve-month probationary period before being eligible for certification as permanent employees. An evaluation is completed at three months, and again at six months, for all full-time non-sworn personnel during the probationary period.

Sworn personnel will complete a twelve-month probationary period before being eligible for certification as permanent employees. Probationary officers are evaluated at six months into the probationary period, and again at the end of the twelve-month period.

1002.4 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor in accordance with the period established by the University.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed substandard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed substandard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

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Evaluation of Employees

1002.4.1 RATINGS

When completing the Employee Performance Evaluation, the rater will note the description that best describes the employee's performance. The definition of each rating can be found in the current year UCR [Performance Factors and Behavioral Indicators](#) document.

5 - Exceptional Performance

4 - Exceeds Performance Expectations

3 - Successfully Meets Performance Expectations

2 - Performance Needs Improvement

1 - Unsatisfactory Performance

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

All supervisors completing a performance evaluation shall review the Performance Factors and Behavioral Indicators guide provided by the University prior to completing the evaluation.

1002.5 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the most recently completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable objections of any of the ratings, the supervisor may make appropriate changes to the evaluation.

Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. For areas of deficiency, the supervisor should identify remedial training designed to address those areas and schedule the employee for that training. The supervisor should discuss with the employee the intention and area of focus for the training, and a general timeline for its completion.

The supervisor and employee will sign and date the evaluation. Permanent employees may also attach comments to the document which are relevant to the performance evaluation. These comments shall be maintained with the evaluation.

1002.6 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

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Evaluation of Employees

1002.7 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to University Department of Human Resources.

Specialized Assignments and Promotions

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making selections to specialized assignments within the UC Riverside Police Department.

1004.2 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the University of California, Riverside Department of Human Resources.

1004.3 POLICY

The UC Riverside Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1004.4 SPECIALIZED ASSIGNMENT POSITIONS

The following positions are considered specialized assignments and not promotions:

- (a) Systemwide Response Team member
- (b) Detective
- (c) Corporal
- (d) Field Training Officer
- (e) Community Resource Officer
- (f) Firearms Range Officer
- (g) Defensive Tactics Instructor

1004.4.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Three years of relevant experience.
- (b) Completed probation.
- (c) Possession of or ability to obtain any certification required by POST or statute.
- (d) Exceptional skills, experience, or abilities related to the specialized assignment.

1004.4.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a specialized assignment:

- (a) Presents a professional, neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Expressed interest in the assignment.
- (d) Demonstrates the following traits:

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1. Emotional stability and maturity.
2. Stress tolerance.
3. Sound judgment and decision-making.
4. Personal integrity and ethical conduct.
5. Leadership skills.
6. Initiative.
7. Adaptability and flexibility.
8. Ability to conform to department goals and objectives in a positive manner.

1004.4.3 SELECTION PROCESS

The selection process for specialized assignments will include an administrative evaluation as determined by the Chief of Police to include:

- (a) The appropriate division commander (or their designee) will announce an open recruitment for the special assignment in question. That announcement shall include a reasonable window of time for interested personnel to consider the assignment.
- (b) Interested personnel shall submit a memo to the division commander making the announcement, or to that division commander's designee as described in the initial announcement. For the purposes of this section, an email shall suffice as an appropriate memo.
- (c) The division commander shall convene a panel of up to three Department members to conduct interviews of all interested members. The Chief of Police shall review and approve this panel prior to the start of interviews. Interviews shall be conducted regardless of the number of interested personnel applying for the position.
- (d) Based on the recommendations of the panel, as well as the factors listed in section (e) below, the division commander shall recommend a candidate to the Chief of Police.
- (e) In addition to the results of the interviews, a variety of factors shall be taken into account when making a staffing decision for the special assignment. These factors include (but are not limited to):
 1. Applicant experience.
 2. Previous special assignment history of the applicant.
 3. Need for further job development of any or all of the applicants.
 4. Department staffing and/or expertise needs.
- (f) Assignment by the Chief of Police.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief of Police.

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1004.5 DURATION OF SPECIALIZED ASSIGNMENT

Absent removal for cause criteria which would be addressed through separate process, the duration of assignments to specialized positions will be consistent with the current FUPOA Memorandum of Understanding. This duration may be extended by the Chief of Police at their discretion.

Grievance Procedure

1006.1 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-flowing verbal communication environment between employees and supervisors.

1006.1.1 GRIEVANCE DEFINED

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

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

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

Specifically outside the category of grievance are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state, or local law as set forth in the Personnel Complaint Policy.

1006.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he or she has a grievance as defined above, that employee shall observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with an immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Division Commander of the affected division or bureau.
- (c) If a successful resolution is not reached with the Division Commander, the employee may request a meeting with the Chief of Police.
- (d) If the employee and the Chief of Police are unable to arrive at a mutual solution, the employee shall proceed as follows:
 1. Submit in writing a statement of the grievance and deliver one copy to the Chief of Police and another copy to the immediate supervisor, including the following information:
 - (a) The basis for the grievance (i.e., details on the facts of the case.).

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- (b) Allegation of the specific wrongful act and the harm done.
- (c) The specific policies, rules or regulations that were violated.
- (d) What remedy or goal is being sought by this grievance.
- (e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.
- (f) The Chief of Police will receive the grievance in writing. The Chief of Police and the Associate Chancellor will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the Associate Chancellor is considered final.

1006.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1006.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Support Services for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the Associate Chancellor's office to monitor the grievance process.

1006.5 GRIEVANCE AUDITS

The Training Sergeant shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Sergeant shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Training Sergeant should promptly notify the Chief of Police.

Anti-Retaliation

1008.1 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.

1008.2 POLICY

The UC Riverside 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.

1008.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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Anti-Retaliation

1008.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

1008.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against, in violation of this policy, should promptly report the matter to any supervisor, command staff member, Chief of Police or the University Assistant Vice Chancellor.

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.

1008.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to 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.

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- (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.

1008.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1008.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Standards Unit for investigation pursuant to the Personnel Complaints Policy.

1008.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

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

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1008.8 RECORDS RETENTION AND RELEASE

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

1008.9 TRAINING

The policy should be reviewed with each new member.

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

Reporting of Employee Convictions

1010.1 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.

1010.2 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.

1010.3 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.

1010.4 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.

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Reporting of Employee Convictions

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.

1010.5 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.

1010.5.1 NOTIFICATION REQUIREMENTS

The Support Services Division Commander shall submit within 10 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Support Services Division Commander shall submit within 10 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this department (11 CCR 1003).

Drug- and Alcohol-Free Workplace

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1012.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1012.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1012.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances when there is reasonable suspicion that the employee is under the influence of alcohol or drugs:

- (a)
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1012.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the screening test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.

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- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1012.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1012.8 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).

1012.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Sick Leave

1014.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the University personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1014.2 POLICY

It is the policy of the UC Riverside Police Department to provide eligible employees with a sick leave benefit.

1014.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1014.3.1 NOTIFICATION

All members should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1014.4 EXTENDED ABSENCE

When it appears to be justified, an employee may be required to submit satisfactory documentation of personal or family illness, disability, or death to the University in order to receive an excused

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absence from work and sick leave pay. The employee shall be given notice prior to returning to work that he/she will be required to provide such documentation. Employees who have unscheduled absences due to illness on a scheduled work day preceding or following a holiday may be required to bring a medical verification of illness to the employee's supervisor on the employee's return to work in order for the absence to be authorized.

1014.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

1014.6 REQUIRED NOTICES

The Assistant Vice Chancellor 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.

Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1016.1.1 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 UC Riverside Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1016.2 POLICY

The UC Riverside 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.

1016.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 2. Bloodborne pathogen mandates including (8 CCR 5193):

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- (a) Sharps injury log.
 - (b) Needleless systems and sharps injury protection.
 3. Airborne transmissible disease mandates including (8 CCR 5199):
 - (a) Engineering and work practice controls related to airborne transmissible diseases.
 - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
 4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
 5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
 6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
- (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).
- (g) Coordination with the Department of Human Resources to provide required notices to members regarding COVID-19 exposures (Labor Code § 6409.6).

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).

1016.4 EXPOSURE PREVENTION AND MITIGATION

1016.4.1 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.

1016.4.2 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).

1016.5 POST EXPOSURE

1016.5.1 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.

1016.5.2 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).

1016.5.3 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.

1016.5.4 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).

1016.5.5 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 Campus Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1016.6 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.

1016.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in UC Riverside Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1018.2 POLICY

The UC Riverside Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1018.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the UC Riverside 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 University facilities and vehicles.

1018.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

1018.4.1 NOTICE

The Chief of Police or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

Personnel Complaints

1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the UC Riverside Police Department, except for UCRPD dispatch personnel. Guidelines for reporting, investigation, and disposition of complaints regarding the conduct of dispatch personnel will follow existing UCR Human Resources Policy and Procedure.

This policy shall not apply to any interrogation, 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 an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code § 3303(i)).

1020.2 POLICY

The UC Riverside 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.

1020.3 PERSONNEL COMPLAINTS DEFINED

A personnel complaint consist of any allegation of misconduct or improper job performance against any UCRPD employee that, if true, would constitute a violation of Department policy, University policy, federal, state, or local law. Personnel complaints may be generated internally or by the public.

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

Community Complaint – A complaint initiated by a person who is not an employee of the UCRPD against a Department member, of allegations that, if true, would constitute misconduct, a violation of department policy, University policy, federal, state, or local law. Such complaints will be investigated under the supervision of the UCR Police Accountability Board (PAB). The PAB, after review of the investigation report will provide the Chief of Police with recommendations on the findings.

If the Chief of Police is the subject of the complaint, then the recommendation will be made to the appropriate Vice Chancellor for the Division which oversees the police department and who will provide the final disposition of matters regarding the Chief of Police.

Internal Complaint – A complaint initiated by any member of the police Department that, if true, would constitute misconduct, a violation of department policy, University policy, federal, state, or

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local law. Such complaints may be investigated by a Department supervisor of a rank greater than the accused employee depending on the seriousness and complexity of the investigation, as determined by the Chief of Police or their designee.

Allegations or inquiries of employee conduct which, even if true, would not constitute a violation of any of the above may be handled informally by a Department 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.

Complaints involving allegations of sexual violence, sexual harassment, or discrimination on a protected basis will be referred to the Chief Compliance Officer) for review and resolution.

1020.4 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).

1020.5 POLICE ACCOUNTABILITY BOARD

It is the intent of the University of California, Riverside (UCR) to develop and promote accountability, trust, and communication between the UCR, UCRPD, and Riverside Campus communities. To that end, UCR has established a Police Accountability Board (hereinafter referred to as "PAB"), to impartially review redacted investigative reports related to allegations of police misconduct and make recommendations in a timely manner regarding Community Complaints filed against UCRPD personnel. The Chief of Police will ensure UCRPD cooperation with all investigations.

Consistent with Cal. Penal Code sections 832.5 et seq, UCR has established procedures to investigate Community Complaints. The complaint procedures provide oversight and investigation by the PAB or other assigned investigator, investigatory report review, recommendations by the PAB, and final determinations with respect to each complaint by the Chief of Police. If the Chief of Police is the subject of the complaint, then the final determination will be made by the Vice Chancellor for Health, Well-Being, and Safety.

1020.6 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other University facilities and websites.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1020.6.1 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

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- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor, who will notify their respective Lieutenant.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1020.6.2 ACCEPTANCE

All community complaints shall be promptly referred by any department member with a response to the complainant as soon as practicable. If a community complaint is received by the police department or any member of the police department, this complaint will be provided to the UCR PAB Board as soon as practicable for investigation. Internally generated department complaints will be directed 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).

A community complaint may also be filed using the following:

1. Accessing and submitting a complaint form online at the UCRPD website;
2. Accessing and submitting a complaint form online at the PAB website;
3. Accessing and submitting a complaint form online at UC Ethics Point;
4. Calling the Office of Compliance and/or the PAB at (951) 827-6223 to schedule an appointment; or
5. Submitting a completed complaint form to the PAB or UCRPD.

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

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1020.7 DOCUMENTATION

Supervisors or university personnel receiving a community complaint shall ensure that all formal and informal complaints are documented on a complaint form. The nature of the complaint should be defined as clearly as possible.

All community 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. The PAB will also submit an annual report to the Chief of Police or authorized designee for review. In an effort of transparency, both internal complaint and community complaint data will be shared on the system-wide data dashboard, in compliance with all data privacy laws (Cal. Govt. Code § 3303).

1020.8 INVESTIGATION PROCEDURES

The following investigation procedures apply to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Cal. Government Code § 3303et. sec.). These rights shall be afforded to all police Department employees. The rights afforded under the POBR include, but are not limited to the following:

- (a) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated (Cal. Government Code § 3303(a)).
- (b) No more than two interviewers may ask questions of an accused employee (Cal. Government Code § 3303(b)).
- (c) Prior to any interview, an employee shall be informed of the nature of the investigation (Cal. Government Code § 3303(c)).
- (d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated (Cal. Government Code § 3303(d)).
- (e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Cal. Government Code § 3303(e)).
- (f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview (Cal. Government Code § 3303(g)).
- (g) If the allegations involve potential criminal conduct, the employee shall be advised of their Constitutional rights pursuant to "Lybarger." This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation (Cal. Government Code § 3303(h)).

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- (h) Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters that are likely to result in punitive action against any public safety officer, that officer, at his or her request, shall have the right to be represented by a representative of his or her choice who may be present at all times during the interrogation. The representative shall not be a person subject to the same investigation. The representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from the officer under investigation for noncriminal matters. (Cal. Government Code § 3303(i)).
- (i) All employees shall provide complete and truthful responses to questions posed during interviews.
- (j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Cal. Government Code § 3307).
- (k) No public safety officer shall have their locker, or other space for storage that may be assigned to them searched except in their presence, or with their consent, or unless a valid search warrant has been obtained or where they have been notified that a search will be conducted (Cal. Government Code § 3309).

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*, 373 U.S. 83 (1963). 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* (Cal. Government Code § 3305.5).

1020.8.1 ADMINISTRATIVE INVESTIGATION FORMAT

Investigative reports shall include the following:

Background Summary - Brief summary of the facts giving rise to the investigation, the initial date and source of the complaint, and the identity of the department employee(s) involved.

Investigative Actions – Summary of the actions taken by the investigator(s) assigned to the case.

Summary of Allegations - List the allegations and applicable policy sections.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation should be provided with reference to the evidence that supports each allegation.

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

1020.8.2 DISPOSITION OF COMPLAINTS

The investigator will apply the preponderance of the evidence standard, a standard of proof that requires that a fact be found when its occurrence, based on the evidence, is more likely than not.

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Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous (totally and completely without merit or for the sole purpose of harassing an opposing party. Cal. Civ. Proc. Code § 128.5) will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation clearly established that the actions of the peace or custodial officer that formed the basis for the complaint are not violations of law or department policy (Penal Code § 832).

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

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

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.

1020.8.3 COMMUNITY COMPLAINT PROCEDURES

Any Community Complaint received by the UCRPD will be forwarded to the PAB for review and processing as soon as practicable or within two (2) University business days. Any Community Complaint received by the PAB will be shared with the Chief of Police, within two (2) University business days, or as soon as practicable.

At the initial filing of a Community Complaint with the Police Department, when an uninvolved supervisor or the Watch Commander determines that the complainant, after discussion of the matter, is satisfied that their complaint required nothing more than an explanation regarding the proper implementation of Department policy, procedure, or law, the complaint shall be labeled "Resolved" and forwarded to the PAB within two (2) business days. The PAB may follow-up with the complainant to confirm that they are satisfied with the early resolution.

The PAB will evaluate each formal complaint not resolved via the procedure in the foregoing paragraph, for information necessary to conduct an investigation and proceed as follows, and in accordance with the law.

1. If additional information is needed, the PAB may request information from the complainant to the extent that the identity of the complainant is known. If the complainant is anonymous and there is insufficient information to warrant conducting an investigation, the PAB will close the file and no investigation will be conducted.
2. If the PAB determines there is insufficient information to conduct an investigation, the allegations themselves demonstrate on their face that the acts complained of were proper, or the nature of the complaint is not suitable for investigation and review by the body, the PAB will notify the complainant, the Chief of Police, and the PAB of the

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disposition in writing citing the specific reasons for the determining that the complaint will not be investigated.

3. If the PAB determines there is sufficient information and cause to investigate a community complaint, they will assign the complaint to an investigator, external to the police department, to initiate an investigation and notify the complainant, the Chief of Police in writing of the complaint's referral to investigation.

Whether conducted by the PAB or an external investigator jointly selected by the PAB and the UCRPD Chief of Police, the procedures in Sections 1020.8.2 – 1020.8.4 shall govern the investigation process. The investigation of a complaint shall consist of conducting interviews with the complainant, the subject employee(s), and any witnesses, collecting relevant evidence, including, but not limited to, UCRPD reports and records, photographs, video, and audio records related to the subject community complaint.

The Chief of Police, or the Chief's designee, will be the investigator's point of contact for purposes of gaining access to UCRPD information, documentation, and personnel. In this role, the Chief will ensure necessary access to subject employee(s), information, records, evidence, and documentation needed to conduct a thorough and timely investigation. If there is a question of relevancy regarding a request for information made by the investigator, the Chief of Police or their designee will review the request and determine whether the requested information is relevant to the scope of the investigation.

Barring mitigating factors, the investigation should be completed, and an investigation report submitted to the PAB within 60-90 University business days of it being assigned to an investigator, unless an extension is authorized by the PAB or their designee upon a showing of good cause for the delay or legitimate need for additional time to complete the investigation. The Chief of Police, complainant, and subject employee(s) will be provided notification of the extension.

Upon completion of a formal investigation of a Community Complaint, a redacted investigation report consistent with California Public Records Act redaction rules shall be provided to the PAB. In closed session, the PAB will collectively review the redacted report. The PAB will vote on its recommendations to either adopt, amend, or reject the investigator's findings. The PAB has the authority to direct the investigator to re-open the investigation to pursue additional information requested by the PAB. In addition to its recommendations with respect to whether the investigator's findings are sustained, the PAB may also recommend other actions to the Chief of Police, including, for example, modifying policies or training.

The PAB, however, will not recommend a particular level of discipline or a specific corrective action, as the Chief of Police retains the responsibility of and discretion to impose discipline. The PAB's policy recommendations may result from issues related to a specific complaint or from a general policy review and analysis.

The PAB's recommendations regarding the investigative findings shall be in writing and forwarded to the Chief of Police within one (1) business week after the PAB has voted in closed session.

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All copies of the completed investigation (including redacted and original copies) shall be submitted/returned to the police department for placement into the personnel complaint file. UCRPD will retain all copies, summaries, investigator notes, or other documentation related to the complaint and maintain the records according to the University's retention schedule.

1020.8.4 INTERNAL COMPLAINT PROCEDURES

In general, the primary responsibility for investigation of an Internal Complaint shall rest with the Division Commander of the involved employee, unless the Division Commander is the complainant, or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigates any complaint.

A supervisor who becomes aware of alleged misconduct, shall take reasonable steps to prevent further potential misconduct and notify the appropriate chain of command for assessment of appropriate action.

In circumstances in which 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 alleged misconduct to the employees' supervisor, chain of command, or the Chief of Police, for assessment of appropriate action.

Every investigator or supervisor assigned to investigate an Internal Complaint or other alleged misconduct shall proceed with due diligence. Barring mitigating factors, the investigation should be completed, and an investigation report submitted to the PAB within 60-90 University business days of it being assigned to an investigator, unless an extension is authorized by the PAB upon a showing of good cause for the delay or legitimate need for additional time to complete the investigation. The Chief of Police, complainant, and employee(s) will be provided notification of the extension.

Every effort shall be made to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation. 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 Cal. Government Code § 3304(d) or Cal. Government Code § 3508.1. If the nature of the allegations dictates that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged within one year of discovery.

Upon completion, the report should be forwarded through the chain of command to the commanding officer or supervisor of the involved employee(s).

Once received, the Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.

Within 30 business days of the final review by the Chief of Police, written notice of the findings shall be sent to the complainant. This notice shall indicate the findings, however, will not disclose

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the discipline, if any imposed. The complainant should also be provided with a copy of their own original complaint (Cal. Penal Code § 832.7).

Any complainant who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police to discuss the matter further.

1020.8.5 ADMINISTRATIVE SEARCHES

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

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

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

1020.9 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

1020.10 REASSIGNMENT AND ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees, or the public, the Chief of Police or the authorized designee may temporarily reassign an accused employee or place the accused employee on administrative leave pending review of a complaint, completion of the investigation, or filing of administrative charges. Any reassignment or placement on administrative leave pursuant to this section shall not affect pay or benefits of the employee who is involuntarily reassigned or placed on 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.

Any accused employee who is temporarily reassigned to an alternate shift or placed on administrative leave, may be required to remain available for contact during such shift/leave and will report as ordered.

1020.11 CRIMINAL INVESTIGATION

Where an employee is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative

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investigation. Any separate administrative investigation may parallel a criminal investigation. However, information obtained through administratively compelled interviews shall not be shared directly or indirectly with any personnel assigned to investigate alleged criminal activities.

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.

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

The UC Riverside 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.

1020.12 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, and, if involving a Community Complaint, the unredacted investigation report. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action. The Chief of Police may review the entire investigative file, the employee's personnel file, and any other relevant materials. The Chief may adopt all, part, or none of the recommendations, and retains full authority, discretion, and responsibility regarding the final disposition of the matter, including disciplinary determinations.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police may forward the information to the Chief's designee who will recommend the discipline, if any, that should be imposed. The Chief of Police may accept or modify the recommendation for disciplinary action. 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 the following:

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

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Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. 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.

1020.13 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police, or designee, 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.

1020.14 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee 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).

1020.15 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

Within 30 business days of the final review and determination, the Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)). This release shall not include what discipline, if any, was imposed (Cal Penal Code § 832.7(f)).

1020.16 NOTICE OF FINAL DISPOSITION TO THE POLICE ACCOUNTABILITY BOARD (PAB)

Within 30 business days of the final review and determination by the Chief of Police of a Community Complaint, written notice of the Chief of Police's final decision shall be provided to the PAB. If the Chief amends or rejects a PAB's finding, a rationale for the amendment will be provided

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to the PAB in the written notice. This notice shall indicate the findings, but will not disclose the discipline, if any.

1020.17 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a written reprimand, 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).

1020.18 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.

1020.19 RETENTION OF PERSONNEL INVESTIGATION FILES

All copies of the completed investigation (including redacted and original copies) shall be submitted/returned to the police department for placement into the personnel complaint file. UCRPD will retain all copies, summaries, investigator notes, or other documentation related to the complaint and maintain the records as required under Cal. Penal Code section 832.7 in a file separate from the employees personnel file or the University's records retention schedule, whichever is longer.

1020.20 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):

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- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 - 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect an officer's POST certification, such as:
 - 1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
 - 2. Findings of civilian review boards.
 - 3. Final dispositions of any investigations.
 - 4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the UC Riverside Police Department based on allegations of conduct by an officer that could render an officer subject to suspension or revocation of certification by POST pursuant to Cal. Penal Code § 13510.8.

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 (Cal. Penal Code § 13510.9) or otherwise required by law.

1020.20.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Chief of Police or the authorized designee shall report allegations of serious misconduct by an officer to POST and the report shall include the following (11 CCR 1207):

- (a) Name of the Department
- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved officer
- (e) A summary of the alleged misconduct including:
 - 1. A narrative of the allegations
 - 2. Date and time of incidents
 - 3. Location of occurrence
 - 4. Any witness information, if available
 - 5. Summary of arrest or indictment of involved officer
- (f) A change in employment status of the involved officer (e.g., administrative leave, suspension, termination)
- (g) Name and contact information of the assigned investigator

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The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Chief of Police or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the officer's service record as provided by 11 CCR 1207.

1020.20.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
 - 1. The Department shall provide the name of the body conducting the proceeding.
 - 2. The status of the proceeding, if known.
- (b) If criminal charges are pending:
 - 1. The name of the court having jurisdiction over the criminal charges against the officer.
 - 2. The status of the criminal case, if known.

Personnel Early Intervention System

1021.1 DEFINITIONS

Early Intervention System (EIS): A system of defined references, required notifications, and assessment that allows the Department to intervene in concerning or problematic behavior early in the behavior's manifestation. An EWS is intended to identify an escalating pattern of conduct and to mitigate a more serious case of misconduct by intervening in that pattern.

Pattern of Conduct: Two or more acts (which occur within a one year period) which have been documented by the Department and, when assessed as a single body of information, indicate a potential for an underlying issue or problem which may lead to further escalation of the behavior.

1021.2 POLICY

This agency shall use a Personnel Early Intervention System to identify employees whose performance warrants review and, where appropriate, intervention in circumstances that may have negative consequences for the member, the Department, or the community. This system shall consist of a review of specified documents, reports, and associated material and shall be triggered whenever a report of potential misconduct or use of force is received.

It is the duty of all supervisors to monitor the performance and behavior of personnel assigned to them. The EIS is a tool to assist supervisors in that monitoring and in identifying patterns of misconduct.

1021.3 PROCEDURE

The Division Commander of any Department employee shall, upon receipt of any complaint of performance, use of force or at-fault on-duty traffic collision, review that member's personnel file, as well as the files for the listed reports which name that employee as the subject of the report, and shall complete a summary for the Chief of Police. This summary is intended to assist supervisors, managers, and the Chief of Police with the evaluation and guidance of Department employees.

If a pattern of behavior is identified, the manager may take action beyond any discipline resulting from the original behavior, as is warranted. These actions may include, but are not limited to:

1. Refer the employee to the UCR Faculty and Staff Assistance Program.
2. Provide the employee with training appropriate to the behavior to address the area(s) needing additional development.
3. Development of Performance Improvement Plan (PIP).

Early Intervention System reports shall not form the basis for disciplinary action. Their purpose is to inform Department management of trends and patterns underlying individual reports of performance issues. However, the precipitating behavior at time of occurrence may lead to disciplinary action in accordance with existing Department policy.

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Personnel Early Intervention System

1021.4 ANNUAL REVIEW

Annually, the Patrol Services Commander shall conduct a review of all data collected as a part of the EIS, to identify patterns of behavior, and send that review to the Chief of Police. This review shall include at least the following file types:

1. Use of Force Reports.
2. Sustained Citizen Complaints.
3. Internal Complaints.
4. Disciplinary Actions.
5. At-Fault On-Duty Traffic Collisions.
6. Performance Improvement Plans.
7. Department Referrals to the Employee Assistance Program.

1021.5 RETENTION OF EARLY INTERVENTION SYSTEM REPORTS

All Early Intervention System records shall be purged in accordance with University of California and California state administrative records retention rules.

Seat Belts

1022.1 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).

See the department policy *Temporary Custody of Adults* for department policy and procedures regarding seatbelt use for arrestees.

1022.1.1 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.

1022.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1022.3 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.

1022.4 POLICY

It is the policy of the UC Riverside Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1022.5 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

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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).

1022.6 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.

1022.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY

It is the policy of the UC Riverside 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.

1024.3 ISSUANCE OF BODY ARMOR

The Support Services supervisor shall ensure that body armor is issued to all officers when the officer begins service at the UC Riverside Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Support Services supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

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Body Armor

1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1024.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

Personnel Records

1026.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1026.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1026.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently retained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
 - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
 - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
 - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

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3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).
- (g) Commendations and awards.
 - (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

The Division file shall be purged upon the completion of the related performance evaluation.

1026.5 TRAINING FILE

An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member's training file.

1026.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Professional Standards Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained.
- (b) Unfounded.
- (c) Exonerated.

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Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the University of California, Riverside Records Retention Schedule ([See attachment: retention_schedule \(1\).xls](#)) and for a period of at least 15 years, commencing in the fiscal year when the investigation was complete and case closed and concluding in the fiscal year marking a full 15-year span of time. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the University of California, Riverside Records Retention Schedule and for four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the University of California, Riverside Records Retention Schedule and for at least five years (Penal Code § 832.5).

No record shall not be destroyed while a request related to that record is being processed or any process or litigation to determine whether the record is subject to release is ongoing (Cal. Pen. Code § 832.5).

1026.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1026.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

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Nothing in this policy is intended to preclude review of personnel records by the Associate Chancellor, Campus Counsel or other attorneys or representatives of the University in connection with official business.

1026.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1026.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1026.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

1026.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection through a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

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1026.9 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, as specified under this section, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3)):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
 1. The discharge of a firearm at another person by an officer.
 2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.
 3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
 4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:

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1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

1026.9.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers.
- (b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses.
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force.
- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person.

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Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

1026.9.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

- (a) Active criminal investigations.
 - 1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
 - 2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.
- (b) Filed criminal charges.
 - 1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.
- (c) Administrative investigations.
 - 1. Disclosure may be delayed until:
 - (a) There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force.

1026.9.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
 - 1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or

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no later than 18 months after the date of the incident, whichever occurs sooner, unless:

- (a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

1026.10 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member, if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

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- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1026.11 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the University of California, Riverside Records Retention Schedule ([See attachment: retention_schedule \(1\).xls](#)). When a discrepancy between the University of California Riverside Records Retention Schedule and the applicable sections of the California Penal Code and California Government Code arises, precedence shall be given to the California Penal and California Government Codes.

Request for Change of Assignment

1028.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1028.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a Request for Change of Assignment form. The form should then be forwarded through the chain of command to their Division Commander.

1028.2.1 PURPOSE OF FORM

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.

The Request for Change of Assignment form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1st of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request form.

1028.3 SUPERVISOR'S COMMENTARY

The officer's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Division Commander of the employee involved. In the case of patrol officers, the Watch Commander must comment on the request with his/her recommendation before forwarding the request to the Division Commander. If the Watch Commander does not receive the Change of Assignment Request Form, the Division Commander will initial the form and return it to the employee without consideration.

Commendations and Awards

1030.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the UC Riverside Police Department and individuals from the community.

1030.2 POLICY

It is the policy of the UC Riverside Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1030.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1030.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1030.4.1 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.

1030.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
 1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act

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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.

1030.4.3 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 Support 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 Support 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.

1030.5 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.

Fitness for Duty

1032.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1032.2 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.

1032.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Watch Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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1032.4 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.

1032.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the

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examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1032.7 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.

1032.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all University employees that has been established by the Chancellor/Vice-Chancellor.

1034.1.1 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 University limits unless on assignment outside of the University.

The time spent for the meal period shall not exceed the authorized time allowed.

1034.1.2 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 will 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

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child (Labor Code § 1034).

1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing infant child (29 USC § 218d; Labor Code § 1030).

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 218d; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 218d; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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1035.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member ends her shift.

1035.5.1 STATE REQUIREMENTS

Members have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Members who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

Payroll Records

1036.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1036.2 POLICY

The UC Riverside Police Department maintains timely and accurate payroll records.

1036.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1036.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Support Services as established by the University payroll procedures.

1036.5 RECORDS

The Support Services Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Compensation Requests

1038.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1038.1.1 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.

1038.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Support Services Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1038.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Watch Commander. Employees submitting overtime cards for on-call pay when off duty shall submit cards to the Watch Commander the first day after returning for work.

1038.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time card, the overtime payment request form is forwarded to the employee's Division Commander for final approval.

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Overtime Compensation Requests

1038.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

1038.3.1 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:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	.25
16 to 30 minutes	.50
31 to 45 minutes	.75
46 to 60 minutes	1 hour

1038.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

Outside Employment

1040.1 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.

[See attachment: UCPD 1041A - Outside Employment.pdf](#)

1040.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1040.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application ([See attachment: UCPD 1041A - Outside Employment.pdf](#)) 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 through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application 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)).

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Outside Employment

1040.2.1 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).

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1040.3 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

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- (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

1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
 1. The officer(s) shall wear the departmental uniform/identification.
 2. The officer(s) shall be subject to the rules and regulations of this department.
 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 5. Outside security services shall not be subject to the collective bargaining process.
 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

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1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1040.4 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.

1040.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1040.5 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.

1040.6 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.

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In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the University'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 UC Riverside Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

Occupational Disease and Work-Related Injury Reporting

1042.1 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.

1042.1.1 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.).

1042.2 POLICY

The UC Riverside 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.).

1042.3 RESPONSIBILITIES

1042.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but such exposure or work-related injury should be reported by the end of the shift in which the event occurred or became known to the member. All exposures and work-related injuries should be reported no later than 24 hours from occurrence, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1042.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Universitywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1042.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the University's risk management entity, and the Support Services Division Commander to ensure any required Division of Occupational

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Occupational Disease and Work-Related Injury Reporting

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.

1042.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1042.4 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 Support Services Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1042.5 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.

1042.5.1 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 University to determine whether the offered settlement will affect any claim the University 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 University's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Personal Appearance Standards

1044.1 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.

1044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend more than 1/2" below the corners of the mouth or beyond the natural hairline of the upper lip. For any facial hair that deviates from this subsection, the requirements of subsection 1044.2.4 shall apply.

1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1044.2.4 FACIAL HAIR

Facial hair in the form of a groomed and maintained goatee, or beard is authorized. Facial hair must not be longer than one-half (1/2) inch in length. Distinct cheek and neck lines are mandatory. All facial hair will be worn in a manner that reflects a professional image on the department while in civilian attire and uniform.

Officers assigned to the System-wide Response Team (SRT) who wear facial hair must either be able to pass a gas mask fit test with the facial hair or maintain supplies accessible to the member while on-duty which would allow the member to shave if deployed to an SRT assignment where gas masks could be used.

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1044.2.5 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.

1044.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1044.3 TATTOOS

While on-duty or representing the Department in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, partial or full nudity, sexually explicit acts, or other obscene material.

1044.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from typical anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification.

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1044.5 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the UC Riverside Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

Department Owned and Personal Property.

Body Armor.

Personal Appearance Standards.

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The UC Riverside Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment (Penal Code § 13655).
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.

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- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Mirrored sunglasses will not be worn with any Department uniform.
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.
 - 1. Wrist watch.
 - 2. Wedding ring, class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
 - 3. Medical alert bracelet.

1046.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1046.3 UNIFORM CLASSES

1046.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie.
- (b) Polished shoes.

Boots with pointed toes are not permitted.

1046.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required.
- (b) A white, navy blue or black crew neck t-shirt must be worn with the uniform.
- (c) All shirt buttons must remain buttoned except for the top button at the neck.
- (d) Shoes for the Class B uniform may be as described in the Class A uniform.

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- (e) Approved all black unpolished shoes may be worn.
- (f) Boots with pointed toes are not permitted.

1046.3.3 UTILITY UNIFORM

The Utility Uniform is established to allow field personnel an alternate uniform for use during patrol or special duty. The Chief of Police will establish the regulations and conditions for wearing the Utility Uniform and the specifications for the Utility Uniform..

The Utility Uniform is a navy blue long or short sleeve shirt, with an attached collar similar to the Class B uniform shirt, and be capable of being buttoned in the front in the same manner as the Class B uniform shirt. The trousers shall be utility-style trousers, with or without the thigh cargo pockets, and be of the same navy blue as the shirt. The shirt must have a name-tape, and UCRPD shoulder patches attached. A regular duty badge shall be worn on the shirt, unless the officer is engaged in crowd management or other special assignment where the presence of a metal badge could present a safety issue for the officer. The shirt will be worn tucked into the trousers at all times. If an officer chooses to wear the department-issued load bearing vest, the name tape and badge may instead be worn on the vest instead of the shirt, and the shirt must only have buttons on the portion of the shirt showing above the collar line of the load bearing vest.

- (a) Officers may wear Utility Uniforms under the following conditions:
 - 1. While on patrol
 - 2. Special assignments where excessive soiling and/or wear of duty uniforms will result and where authorized by the incident commander or watch commander.
 - 3. Tactical crowd control situations when authorized by command level personnel.
- (b) A black or navy blue turtleneck and/or a dickey are an optional undergarment for the uniform. Otherwise, the only other authorized undergarment that should be visible is a white or black crew neck t-shirt with no visible writing or design.
- (c) Black, plain-toed, lace shoe/slip-on or lace boot is authorized for wear with the uniform.
- (d) The police baseball cap may be worn while wearing the Utility Uniform.

1046.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments. The use of shorts on uniformed patrol will only be allowed when specifically assigned to bicycle patrol.

The Bicycle Patrol Uniform is a department approved navy blue polo shirt, with UCRPD patches on the sleeves. Officers' first initial and last name will be embroidered on the right breast with gold thread. The cloth badge will be worn on the left breast. Appropriate rank emblems shall be affixed. Navy blue nylon or polyester shorts of an appropriate length shall be worn with either a nylon or leather Sam Browne belt. The shirt shall remain tucked into the shorts at all times. Officer may wear the department-approved load bearing vest if desired. Officers may wear the bike patrol uniform at any time of the year, so long as they are assigned to bike patrol for the majority of their shift.

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. The authorization to wear this uniform may be temporarily withdrawn by special written order (e.g., special operations deployment plan), or by the Watch Commander (for a short period of time, for specific reason). The Watch Commander is required to notify the Chief of Police or designee.

1046.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1046.4 INSIGNIA AND PATCHES

- (a) **Shoulder Patches** - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) **Service stripes, stars, etc.** - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) **The regulation nameplate, or an authorized sewn on cloth nameplate,** shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. If the employee desires other than the legal first initial, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) **When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate** shall be affixed to the jacket in the same manner as the uniform.
- (e) **Assignment Insignias** - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.
- (f) **Flag Pin** - A flag pin may be worn, centered above the nameplate or centered between the button and proximal edge of the left shirt pocket flap.
- (g) **Badge** - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (h) **Rank Insignia** - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1046.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) **An officer of this department** - From the time of death until midnight on the 14th day after the death.
- (b) **An officer from this or an adjacent county** - From the time of death until midnight on the day of the funeral.
- (c) **Funeral attendee** - While attending the funeral of an out of region fallen officer.

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- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

1046.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, a polo shirt, slacks, utility pants, or suits that are moderate in style. Cargo pants shall only be worn with a polo-style shirt.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style. Female employees may also wear a polo-style shirt and utility pants.
- (d) The following items shall not be worn on duty:
 - 1. T-shirt alone.
 - 2. Open toed sandals or thongs.
 - 3. Swimsuit, tube tops, or halter-tops.
 - 4. Spandex type pants or see-through clothing.
 - 5. Distasteful printed slogans, buttons or pins.
- (e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the UC Riverside Police Department or the morale of the employees.

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, UC Riverside Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the UC Riverside Police Department to do any of the following (Government Code §§ 3206 and 3302):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.

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- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
 - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).

1046.7.1 RETIREE BADGES

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the UC Riverside Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the UC Riverside Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

UC Riverside Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

UC Riverside Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

1046.9 LOAD BEARING VEST

Officers may wear a department-approved load bearing vest (LBV) while in uniform and working patrol or tasked to a special assignment. The department shall purchase the first vest for an officer that desires to wear it as a part of their uniform. All subsequent repairs and replacement of the vest will be the responsibility of the officer. If an officer chooses to wear an LBV while in uniform, the following requirements must be met at all times:

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- (a) The LBV must be the vest provided by the department or (in the case of a replacement vest purchased by the officer) be of the same configuration, color, and constructed by the same company that provided the initial vest.
- (b) The ballistic panels for the officer's protective vest shall be carried in the LBV while the LBV is worn.
- (c) The LBV shall be kept clean and free of functional defect, and the officer shall continue to present a professional appearance while wearing the LBV.
- (d) While some minor modifications to the basic vest layout are permissible, any modification sought by the officer to the basic layout must be approved by the employee's supervisor.
- (e) Understanding the potential needs for load-bearing vests (not limited to ergonomics, officer safety, etc.), such vest purchases will be approved on a case-by-case basis by the Chief of Police, or their designee.

Nepotism and Conflicting Relationships

1050.1 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.

1050.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
 - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
 - (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
 - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1050.2.1 EMPLOYEE RESPONSIBILITY

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

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

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1050.2.2 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.

Department Badges

1052.1 PURPOSE AND SCOPE

The UC Riverside Police Department badge and uniform patch as well as the likeness of these items and the name of the UC Riverside Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1052.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1052.2.1 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) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the UC Riverside Police Department with the written approval of the Chief of Police.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1052.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

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1052.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1052.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1052.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the UC Riverside Police Department. The following modifications shall be included:
 - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

Temporary Modified-Duty Assignments

1054.1 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, University 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.

1054.2 POLICY

Subject to operational considerations, the UC Riverside 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.

1054.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the UC Riverside 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.

Temporary modified-duty assignment hours will be during periods where administrative functions are typically available and completed.

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.

1054.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their 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 Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the Campus Counsel 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.

1054.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1054.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the 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.

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1054.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1054.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1054.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

1054.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the University's personnel rules and regulations regarding family and medical care leave.

1054.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1054.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees

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who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Employee Speech, Expression and Social Networking

1057.1 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.

1057.1.1 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.

1057.2 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 UC Riverside 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.

1057.3 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 UC Riverside Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1057.4 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 UC Riverside 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 UC Riverside Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the UC Riverside 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 UC Riverside Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

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- (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 UC Riverside 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).

1057.4.1 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 UC Riverside Police Department or identify themselves in any way that could be reasonably perceived as representing the UC Riverside 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 UC Riverside Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized

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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).

1057.5 PRIVACY EXPECTATION

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

The Department shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

1057.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1057.7 TRAINING

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

Illness and Injury Prevention

1058.1 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 UC Riverside Police Department, in accordance with the requirements of 8 CCR 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Universitywide safety efforts.

1058.2 POLICY

The UC Riverside Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1058.3 ILLNESS AND INJURY PREVENTION PLAN

The Support Services Division Commander is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
 1. Meet regularly.
 2. Prepare a written record of safety and health committee meetings.
 3. Review the results of periodic scheduled inspections.
 4. Review investigations of accidents and exposures.
 5. Make suggestions to command staff for the prevention of future incidents.
 6. Review investigations of alleged hazardous conditions.
 7. Submit recommendations to assist in the evaluation of member safety suggestions.
 8. Assess the effectiveness of efforts made by the Department to meet relevant standards.

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- (f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR 342).

1058.4 SUPPORT SERVICES DIVISION COMMANDER RESPONSIBILITIES

The responsibilities of the Support Services Division Commander include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 - 1. New member orientation that includes a discussion of safety and health policies and procedures.
 - 2. Regular member review of the illness and injury prevention plan.
 - 3. Access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR 3203.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
 - 1. Informing members of the illness and injury prevention guidelines.
 - 2. Recognizing members who perform safe work practices.
 - 3. Ensuring that the member evaluation process includes member safety performance.
 - 4. Ensuring department compliance to meet standards regarding the following:
 - (a) Respiratory protection (8 CCR 5144).
 - (b) Bloodborne pathogens (8 CCR 5193).
 - (c) Aerosol transmissible diseases (8 CCR 5199).
 - (d) Heat illness (8 CCR 3395).
 - (e) Emergency Action Plan (8 CCR 3220).
 - (f) Fire Prevention Plan (8 CCR 3221).
 - (g) Hazards associated with wildfire smoke (8 CCR 5141.1).
- (e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.

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- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

1058.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Support Services Division Commander.
- (e) Notifying the Support Services Division Commander when:
 1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
 2. New, previously unidentified hazards are recognized.
 3. Occupational illnesses and injuries occur.
 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
 5. Workplace conditions warrant an inspection.

1058.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

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All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Support Services Division Commander via the chain of command.

The Support Services Division Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1058.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Support Services Division Commander shall ensure that the appropriate documentation is completed for each inspection.

1058.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1058.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident or exposure scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.
- (g) Completion of an Investigation/Corrective Action Report form.
- (h) Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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1058.9 TRAINING

The Support Services Division Commander should work with the Training Sergeant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1058.9.1 TRAINING TOPICS

The Training Sergeant shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

1058.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Wellness Program

1059.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1059.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1059.2 POLICY

It is the policy of the UC Riverside Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1059.3 WELLNESS COORDINATOR

The Chief of Police should appoint a trained wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.

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2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for department peer support members, such as:
1. Peer support member selection and retention.
 2. Training and applicable certification requirements.
 3. Deployment.
 4. Managing potential conflicts between peer support members and those seeking service.
 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
1. Defining the types of incidents that may initiate debriefings.
 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
1. Obtaining a written description of the program services.
 2. Providing for the methods to obtain program services.
 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
 5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
- (g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).
1. The coordinator should work with appropriate department liaisons to assist qualified members and survivors with benefits, wellness support, and counseling

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services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

1059.4 DEPARTMENT PEER SUPPORT

1059.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1059.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of department peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting department members with periodic training on wellness topics, including but not limited to:
 1. Stress management.
 2. Suicide prevention.
 3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
 1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

1059.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member should complete department-approved training prior to being assigned.

1059.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

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Attendance at the debriefing should only include peer support members and those directly involved in the incident.

1059.6 PEER SUPPORT COMMUNICATIONS

Although the Department will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications, unless authorized by law (e.g., peer support communications pursuant to a Law Enforcement Peer Support and Crisis Referral Service Program).

1059.7 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided.
- Wait times for support services.
- Participant feedback, if available.
- Program improvement recommendations.
- Policy revision recommendations.

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

1059.8 TRAINING

The coordinator or the authorized designee should collaborate with the Training Sergeant to provide all members with regular training on topics related to member wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

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Training materials, curriculum, and attendance records should be forwarded to the Training Sergeant as appropriate for inclusion in training records.

Line-of-Duty Deaths

1060.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the UC Riverside Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1060.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1060.2 POLICY

It is the policy of the UC Riverside Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1060.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Watch Commander and the Communications Center.
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Press Information Officer section of this policy).
- (b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Watch Commander or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1060.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Watch Commander, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting child care or other immediate needs.

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- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other UC Riverside Police Department members may be apprised that survivor notifications are complete.

1060.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1060.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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1060.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Department should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1060.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-staff.
- (g) Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.

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- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1060.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
- (b) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. Department members and friends of the deceased member.
 - 3. Media personnel.
- (c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or UC Riverside Police Department members (except for members who may be guarding a suspect).
- (d) Arrange for survivors to receive timely updates regarding the member before information is released to others.
- (e) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (f) Stay with survivors and provide them with other assistance as needed at the hospital.
- (g) If applicable, explain to the survivors why an autopsy may be needed.
- (h) Make arrangements for hospital bills to be directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

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1060.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.

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- (h) Coordinating with the department's Press Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Press Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1060.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 - (a) Members involved in the incident, including dispatch and support services personnel.
 - (b) Members who witnessed the incident.
 - (c) Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive wellness support.

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- (c) Ensuring that wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1060.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
 - (a) Honor Guard.
 - (a) Casket watch.
 - (b) Color guard.
 - (c) Pallbearers.
 - (d) Bell/rifle salute.
 - (e) Appropriate motorcade vehicles.
 - (b) Bagpipers/bugler.
 - (c) Law enforcement flyover.
 - (d) Uniform for burial.
 - (e) Flag presentation.
 - (f) Last radio call.
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

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1060.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many UC Riverside Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Chief of Police should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1060.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
 - 1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
 - 2. Social Security Administration.
 - 3. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits, such as:
 - 1. Education benefits (Education Code § 68120).
 - 2. Health benefits (Labor Code § 4856).
 - 3. Workers' compensation death benefit (Labor Code § 4702).
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

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- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1060.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - 1. Paying survivors' travel costs if authorized.
 - 2. Transportation costs for the deceased.
 - 3. Funeral and memorial costs.
 - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1060.7 PRESS INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.

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- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

1060.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1060.9 INVESTIGATION OF THE INCIDENT

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

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Line-of-Duty Deaths

1060.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1060.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

Attachments

Draft Immigration Policy.pdf

Policy 428
University of California Police Department, Riverside
Policy Manual
Immigration Violations

428.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 DEPARTMENT POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code dealing with illegal entry. UCPD, on the other hand, has primary responsibility for preserving and protecting public safety for the University community. Community trust and cooperation is essential to effective law enforcement on campus and other University property. The limited resources of UCPD should not be diverted from this mission to the enforcement of federal immigration laws; UCPD shall not enforce federal immigration law. Campus police should avoid actions that create a disincentive to report crime, or to offer testimony as a witness to a crime, such as requesting information about immigration status from crime victims and witnesses.

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be advised that immigration enforcement is the responsibility of the federal government.

428.3.1 BASIS FOR CONTACT, DETENTION, QUESTIONING OR ARREST

Officers shall not contact, detain, question or arrest an individual solely on the basis of suspected undocumented immigration status or to discover the immigration status of an individual.

428.3.2 NO SWEEPS

The U.C. [INSERT CAMPUS] Police Department does not conduct sweeps or other concentrated efforts to detain suspected undocumented persons.

When law enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

428.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency for assistance with enforcement of Title 8 of the US Code, this department may provide available support services only for purposes such as managing the flow of traffic, peacekeeping, officer safety or as otherwise necessary to prevent injuries or property damage.

Members of this department shall not participate in federal operations as part of any federal immigration detention team. Any detention by a member of this department must be based upon the reasonable belief that an individual is involved in criminal activity in violation of laws other than federal immigration laws. County jail authorities have responsibility for compliance with the California Truth Act and the California TRUST Act should either be required.

428.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

428.3.5 ARREST AND BOOKING

Whenever an individual is arrested for a misdemeanor violation, the arresting officer shall process that individual pursuant to California Penal Code § 853.6 and the department's Cite and Release Policy. County jail bookings for misdemeanors should be approved by the watch commander. Individuals arrested for felony violations should be booked in the County jail according to local policy. Upon booking, County jail authorities have responsibility for any actions required by the California Truth Act and the California TRUST Act.

428.3.7 REQUIRED NOTIFICATION

Whenever an officer has reason to believe that any person arrested for any offense set forth in the Uniform Controlled Substances Act that is listed in Health & Safety Code §11369 may not be a citizen of the United States and the individual is not going to be booked into the County Jail, the arresting officer shall cause ICE to be notified as required by Health & Safety Code 11369.

428.4 INFORMATION SHARING

The University of California [INSERT CAMPUS] Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws.

Nothing in this policy on Immigration Violations is intended to restrict officers from exchanging with ICE information regarding the citizenship or immigration status, lawful or unlawful, of any individual, to the extent such restriction is inconsistent with the requirements of 8 USC § 1373 and 8 USC § 1644.

428.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U); 8 USC § 1101(a)(15)(T)). Where UCPD receives a request for assistance with a petition for U-Visa/T-Visa Nonimmigrant Status, if appropriate, the Chief of Police or his or her designee (the department) shall ensure the required declaration/certification documentation is completed in accordance with state law (Penal Code § 679.10; Penal Code § 679.11) and the procedures set forth below.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded within 24 hours to the Chief of Police or his or her designee assigned to supervise the handling of any related case. The department should ensure the following occurs:

- (a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.
- (b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website.
- (c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.
- (d) Address the request and complete the declaration/certification, if appropriate, within the timeframes set forth in state law (Penal Code § 679.10; Penal Code § 679.11.).
- (e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed declaration/certification in the case file.

428.4.2 TIME FRAMES FOR COMPLETION

The department, in cases of human trafficking as defined by Penal Code § 236.1, shall ensure the above process is followed and the documents needed for a T visa application are completed within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5). In accordance with Penal Code Section 236.5, where the department finds that certification is inappropriate for a victim of trafficking in persons, the department shall within 15 days provide the victim with a letter explaining the grounds of the denial. If the victim submits additional evidence, the department must reconsider the denial of the certification within one week of the receipt of additional evidence.

The department shall ensure the above process is followed and the documents needed for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 are processed within 90 days of a request from the victim or victim's family related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within 14 days of the request.

Supplemental Hate Crime Report.pdf

Hate incident (No Crime Committed)

Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

VICTIM

VICTIM TYPE

Individual

Legal name (Last, First):

Date of Birth	Age	Sex	Race

School, business or organization

Name: _____

Type: _____
 (e.g., non-profit, private, public school)

Faith-based organization

Name: _____

Faith: _____

Other

Name: _____

Type: _____

Address: _____

Date and time of incident:

Location of incident:

Date and time of report:

Location of report:

Agency Case #:

NATURE OF CALL FOR SERVICE (check all that apply)

Crime against persons

Crime against property

Gang activity

Other _____

BIAS

TYPE OF BIAS

(Check all characteristics that apply)

Disability

Gender

Gender identity/expression

Sexual orientation

Race

Ethnicity

Nationality

Religion

Significant day of offense

(e.g., 9/11, holy days)

Association with a person or group with one or more of these characteristics (actual or perceived)

Other: _____

ACTUAL OR PERCEIVED BIAS – VICTIM’S STATEMENT

Actual bias [Victim has the indicated characteristic(s)].

Perceived bias [Suspect believed victim had the indicated characteristic(s)].

REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?

Yes No

Do you know what motivated the suspect to commit this crime?

Yes No

Do you feel you were targeted because you associated yourself with an individual or a group?

Yes No

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?

Yes No

Are there Indicators the suspect is affiliated with a criminal street gang?

Yes No

BIAS INDICATORS (CHECK ALL THAT APPLY):

Hate speech

Acts/gestures

Property damage

Symbol used

Written/electronic communication

Graffiti/spray paint

Other: _____

HISTORY

SUSPECT INFORMATION				RELATIONSHIP BETWEEN SUSPECT & VICTIM			
Legal name (Last, First): _____				Suspect known to victim: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Other Names used (AKA): _____				Nature of relationship: _____			
Date of Birth	Age	Sex	Race	Length of relationship: _____			
				<input type="checkbox"/> Prior reported incidents with suspect: <i>Total #</i> _____			
Relationship to Victim: _____				Prior unreported incidents with suspect: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			

WEAPONS/FORCE

Weapon(s) used during incident? Yes No Type: _____

Force used during incident? Yes No Type: _____

EVIDENCE

Witnesses present during incident? Yes No Statements taken? Yes No

Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked	
Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo/video <input type="checkbox"/> Known	

RESOURCES

Resources offered at scene: Yes No

Marsy's Law Handout Hate Crimes Brochure Other: _____

MEDICAL

Victim	Suspect	
<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Injuries observed

Completed by	Date
Name/Title/ID number	

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Basic Course Workbook Series Student Materials

Learning Domain 30

Crime Scenes, Evidence, and Forensics

Version 5.0

**Basic Course Workbook Series
Student Materials
Learning Domain 30
Crime Scenes, Evidence, and Forensics
Version 5.0**

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Published 1997
Revised June 2001
Revised January 2006
Revised July 2007
Correction July 2016
Revised July 2018

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THE ACADEMY TRAINING MISSION

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.

FOREWORD

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who contributed to the development of this workbook. We must also thank the California law enforcement agency executives who allowed their personnel to participate in the development of these training materials.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides a self-study document for every learning domain in the Basic Course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. The objective of the system is to improve academy student learning and information retention and ultimately contribute to you becoming a peace officer committed to safety, and to the communities you will serve.

The content of each workbook is organized into sequenced learning modules to meet requirements as prescribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this workbook will help you, the student, to successfully complete the Basic Course and to enjoy a safe and rewarding career as a peace officer.

MANUEL ALVAREZ, Jr.
Executive Director

LD 30: Crime Scenes, Evidence, and Forensics

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Preface

Introduction

Student workbooks

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

Regular Basic Course training requirement

Completion of the Regular Basic Course is required, prior to exercising peace officer powers, as recognized in the California Penal Code and where the POST-required standard is the POST Regular Basic Course.

Student workbook elements

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points,
 - supplementary material, and
 - a glossary of terms used in this workbook.
-

How to Use the Student Workbook

Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. You may use the workbook in several ways: for initial learning, for test preparation, and for remedial training.

Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the: Preface and How to Use the Workbook, which provide an overview of how the workbook fits into the POST training program and how it should be used.
2	Refer to the Chapter Synopsis section at the end of each chapter to review the key points that support the chapter objectives.
3	Begin reading the text.
4	Complete the workbook learning activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary section for a definition of important terms. The terms appear throughout the text and are bolded and underlined (e.g., <u>term</u>).

Chapter 1

Crime Scenes

Overview

Learning need

Peace officers must have a general understanding of the total range of basic criminal investigation procedures in order to make the appropriate decisions regarding the identification and preservation of evidence at the scene of a crime.

Learning objectives

The following table identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	Objective ID
<ul style="list-style-type: none">• identify the goal of a criminal investigation.	30.01.1
<ul style="list-style-type: none">• perform the steps of a preliminary criminal investigation including:<ul style="list-style-type: none">- proceed safely to the scene- determine need for emergency medical services and aid any injured persons- verify that a crime, if any, has occurred- identify and arrest the suspect(s), if appropriate- as soon as possible, provide dispatch with any suspect information including physical descriptions, direction of flight, mode of travel, and other pertinent information- contain and protect the crime scene, initiate a crime scene log and cause the proper collection of evidence- locate and interview victim(s) and/or witness(es) and identify other sources of information- collect all available information necessary to write a clear and accurate report (who, what, when, where, why and how)	30.01.2

Continued on next page

Overview, Continued

Learning objectives (continued)

After completing study of this chapter, the student will be able to...	Objective ID
<ul style="list-style-type: none">demonstrate actions peace officers may employ to preserve possible evidence at a crime scene.	30.01.5
<ul style="list-style-type: none">identify the primary purpose of conducting a(n):<ul style="list-style-type: none">initial survey of a crime scene, andcrime scene search.	30.01.6 30.01.7
<ul style="list-style-type: none">identify criteria for allowing crime scene photographs to be admitted as evidence by the court.	30.01.9
<ul style="list-style-type: none">identify elements to be included on a crime scene diagram.	30.01.10

In this chapter

This chapter focuses on the documentation of a crime scene that must take place prior to the collection of evidence. Refer to the table below for a specific topic.

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Preliminary Criminal Investigations

Introduction

The role of responding peace officers to calls involving criminal activity goes well beyond that of making an arrest. The actions taken or not taken by peace officers can greatly influence the prosecutor's success in obtaining a conviction.

Types of investigations

An **investigation** is the systematic gathering of information from a variety of sources and the documentation of evidence, observations, and findings.

Law enforcement agencies conduct a variety of different types of investigations including, but not limited to:

- background investigations (e.g., screening job applicants),
 - internal investigations (e.g., regarding conduct of officers),
 - permit investigations (e.g., prior to issuing business licenses), and
 - criminal investigations.
-

Criminal investigations

A **criminal investigation** is a systematic approach to the:

- establishment of a criminal violation,
- identification and arrest of a suspect, and
- gathering of evidence for presentation in a court of law.

The ultimate goal of a criminal investigation is to determine if a crime occurred, provide investigative leads, and assist in the successful prosecution of the guilty and exoneration of the innocent.

Continued on next page

Preliminary Criminal Investigations, Continued

Preliminary investigations

The investigation of a crime often takes place in a number of phases. It begins with the preliminary investigation and progresses through more in-depth follow-up investigations ultimately leading to the arrest or indictment of a suspect.

The **preliminary investigation** begins when the responding officers first receives the call. It continues through the writing and filing of the primary officer's investigative report.

Involved individuals

A number of individuals and organizations are involved in the preliminary investigation of a crime. Each person participating must understand and anticipate the needs and requirements of the other individuals involved.

Individuals involved in the investigative process may include, but are not limited to:

- reporting parties,
 - responding officers,
 - investigating officers,
 - victims,
 - witnesses,
 - evidence technicians,
 - medical examiners,
 - forensic scientists, and
 - attorneys.
-

Continued on next page

Preliminary Criminal Investigations, Continued

Components of a preliminary investigation (continued)

	Action(s)	Guidelines
	Determine need for emergency medical services.	<ul style="list-style-type: none"> • Officers have a primary responsibility for the preservation of life that must supersede the apprehension of a suspect. • Officers should render first aid and request additional emergency medical services when needed. • While rendering aid, officers must also remain alert to: <ul style="list-style-type: none"> - officer safety, - record accidental destruction or alteration of evidence, and - the need to record any medical assistance rendered to injured parties by officers, medical personnel, or others. <p>NOTE: For additional information regarding rendering first aid refer to LD 34: <i>First Aid and CPR</i>.</p>
	Verify that a crime has occurred.	<ul style="list-style-type: none"> • Do not assume that the information that was dispatched will be a valid reflection of the actual event. Information initially given to the dispatcher may not have been complete or accurate. • Upon arrival officers should: <ul style="list-style-type: none"> - visually inspect the scene, - gather information from involved parties, and - establish the body or elements of the crime (corpus delicti) to determine if a crime has been committed and, if so, identify the specific crime.

Continued on next page

Preliminary Criminal Investigations, Continued

Components of a preliminary investigation (continued)	Action(s)	Guidelines
Assessment (continued)	Identify and arrest suspect(s), if appropriate.	<ul style="list-style-type: none"> • Suspect identification may be based on: <ul style="list-style-type: none"> - victim and/or witness statements, - spontaneous confessions and/or statements made by suspects themselves, or - physical, biological, trace, and impression evidence at the crime scene. (e.g., fingerprints, clothing, weapons, etc.) • If sufficient probable cause exists to believe the suspect is guilty of a crime, the suspect can be taken into custody. • A search of the suspect incident to the custodial arrest may include a full search of: <ul style="list-style-type: none"> - the arrestee’s person, - containers on the arrestee’s person, and - the nearby physical area that was under the immediate control of the arrestee. <p>NOTE: Searches incident to arrest can be more inclusive than cursory/frisk searches for weapons only.</p> <p>NOTE: For additional information regarding searches and custody, refer to LD 15: <i>Laws of Arrest</i> and LD 16: <i>Search and Seizure</i>.</p>

Continued on next page

Preliminary Criminal Investigations, Continued

Components of a preliminary investigation (continued)	Action(s)	Guidelines
Assessment (continued)	Provide dispatch with pertinent information as soon as possible.	<ul style="list-style-type: none"> • If suspect(s) have fled the scene, officers should provide the dispatcher and other field units with information such as: <ul style="list-style-type: none"> - physical description(s), including clothing - direction(s) and route(s) of flight, and/or - mode of travel. (e.g., on foot, by vehicle, etc.) - time and location last observed - information regarding vehicles (if known) • Additional pertinent information may include: <ul style="list-style-type: none"> - type of crime, - extent of injuries, - type of business, (if applicable) - location of occurrence, - time of occurrence, - description of vehicle, (if applicable) - description of weapon, (if applicable) and/or - description of property taken, (if applicable) - need for forensic personnel or criminalists at the scene • Additional broadcasts can be made if/when additional information is obtained during the preliminary investigation.

Continued on next page

Preliminary Criminal Investigations, Continued

Components of a preliminary investigation (continued)

	Action(s)	Guidelines
Preliminary Investigation	Secure and protect the crime scene.	<ul style="list-style-type: none"> The primary responding officer to a crime is responsible for the integrity of the crime scene until that officer is relieved of that responsibility. Set up crime scene perimeter tape (if applicable).
	Determine jurisdiction	<ul style="list-style-type: none"> Make appropriate notifications based on agency policies and procedures.
	Identify and preserve possible evidence.	<ul style="list-style-type: none"> Proper crime scene management requires: <ul style="list-style-type: none"> preventing the contamination or destruction of evidence, initiating a crime scene log (if appropriate), documenting all personnel entering/exiting the scene documenting the crime scene, identifying and preserving evidence, and protecting the victim's property from damage or theft.
	Locate and interview victim(s), and or witness(es).	<ul style="list-style-type: none"> Officers should obtain and document information needed to: <ul style="list-style-type: none"> determine the crime, identify and locate the victim(s) or suspect(s), and generate additional crime broadcasts. Responding officers may be responsible for locating and interviewing all persons present at a crime scene.

Continued on next page

Preliminary Criminal Investigations, Continued

Components of a preliminary investigation
(continued)

	Action(s)	Guidelines
Preliminary Investigation (continued)	Identify other possible sources of information.	<ul style="list-style-type: none"> As quickly as possible, collect as much information as is available. <p>NOTE: A listing of possible sources of information is provided in the <i>Supplemental Materials</i> portion of this workbook.</p>
Report	Collect available information necessary to write a clear and effective investigative report.	<ul style="list-style-type: none"> Officers should begin taking field notes as soon as possible after arriving at the crime scene. Notes should reflect information needed to report on the who, what, where, when, how, and why of the crime. <p>NOTE: For additional detailed information regarding investigative reports refer to LD 18: <i>Investigative Report Writing</i>.</p>

Continued on next page

Preliminary Criminal Investigations, Continued

Follow-up investigations

Actions taken by officers involved in the preliminary investigation can have a direct impact on follow-up law enforcement actions. Further investigative actions that may be required include, but are not limited to:

- reviewing the original report to develop additional leads.
 - viewing all evidence seized and ensuring proper packaging and preservation for submissions to a crime laboratory.
 - conducting follow-up interviews with the reporting officer, victim(s), witness(es), and suspect(s).
 - evaluating statements, evidence, and laboratory results.
 - gathering additional evidence through surveillance.
 - identifying, locating, arresting, or seeking warrants for the arrest of suspect(s).
 - conducting custodial interviews.
 - compiling and conducting field show-ups and lineups.
 - seeking warrants for searches and recovering stolen property.
 - maintaining a liaison with the prosecutor.
 - complying with victim/witness obligations.
-

Preservation of a Crime Scene

Introduction The crime scene itself is a form of evidence and should be treated by officers just as carefully as any other form of evidence.

Role of responding officer It is the responsibility of the initial primary responding officer to secure and protect the integrity of the crime scene until officially and properly relieved.

Initially, officers should not touch anything or do anything that could alter a crime scene in any way except to preserve life or administer aid to a victim.

Contamination When two objects touch each other, it is possible for trace substances of one to be transferred to the other. For example, whenever an individual enters a crime scene, it is possible for that individual to introduce physical evidence to the scene (e.g., fibers, hair, fingerprints, DNA, etc.) as well as to remove physical evidence from the scene (e.g., fibers on clothing, soil on shoes, etc.).

Such transfers can take place not only to potential suspects, but also peace officers who enter or leave a crime scene. For this reason, crime scenes must be carefully protected and personnel investigating the scene may need to wear protective gear to avoid any intentional or unintentional forms of contamination.

Continued on next page

Preservation of a Crime Scene, Continued

Protecting the crime scene

A crime scene encompasses not only the immediate area where a crime took place, but also other areas related to the crime (e.g., vehicles, escape routes, etc.). The following table identifies actions that can be taken by responding officers to protect the scene of a crime.

Action	Additional Information
Establish a perimeter.	<ul style="list-style-type: none">• An inner perimeter should include that area which contains specific evidence of the crime.• An outer perimeter may be established as a means of securing and controlling access to the inner perimeter.• Access to the inner perimeter should be limited to only those <i>authorized</i> individuals directly related to the criminal investigation.• Isolate the scene and deny entry.• A perimeter should be larger than is apparently necessary. One rule to follow is to double the distance from the center of the crime scene to the farthest location of any piece of evidence.• Prevent all unauthorized people from entering the scene (e.g., family members, neighbors, media, etc.).
Assign personnel.	<ul style="list-style-type: none">• The primary responding officer should assign law enforcement personnel to maintain inner and outer perimeters.• If necessary, assistance for perimeter containment may be obtained from those other than law enforcement personnel.

Continued on next page

Preservation of a Crime Scene, Continued

**Protecting
the crime
scene**
(continued)

Action	Additional Information
Place fixed barriers.	<ul style="list-style-type: none">• Police barrier tape can be used to establish and identify clear boundaries to maintain crime scene integrity.• Use cones and other traffic barricades to restrict access to the area.• Vehicles or other items can be strategically positioned to block traffic.
Maintain a crime scene log.	<ul style="list-style-type: none">• Record information on who had access to the crime scene.• Include information such as:<ul style="list-style-type: none">- date,- time in and out,- name and rank,- badge or ID number,- agency, and- reason for entry.

Continued on next page

Preservation of a Crime Scene, Continued

Evidence protection

Evidence within a crime scene may be moved, damaged, or obliterated by even the smallest disturbance. Because of this, initial responding officers must take actions to protect physical evidence.

IF...	THEN...
<ul style="list-style-type: none"> • the crime scene may be affected by: <ul style="list-style-type: none"> - environmental factors, (e.g., rain, wind, etc.) or - individuals not authorized to participate in the investigation, (e.g., bystanders) 	<ul style="list-style-type: none"> • action may be necessary to protect the evidence such as, but not limited to: <ul style="list-style-type: none"> - providing a tent covering to protect from rain or sunlight, - erecting temporary walls or barriers to reduce wind contamination, or - using cardboard to temporarily cover tire tracks or footprints.
<ul style="list-style-type: none"> • movement of evidence, if required (e.g., to transfer a victim, officer safety, etc.) 	<ul style="list-style-type: none"> • officers should: <ul style="list-style-type: none"> - verbally notify appropriate personnel of the action taken, - document and photograph, if appropriate, and condition of the evidence, and - document all actions taken.

Evidence tampering by peace officers

Penal Code Section 141(b) states a peace officer who knowingly, willfully, intentionally, and wrongfully alters, modifies, plants, places, manufactures, conceals, or moves any physical matter, digital image, or video recording, with specific intent that the action will result in a person being charged with a crime or with the specific intent that the physical matter, digital image, or video recording will be concealed or destroyed, or fraudulently represented as the original evidence upon a trial, proceeding, or inquiry, is guilty of a felony punishable by two, three, or five years in the state prison.

Crime Scene Surveys and Searches

Introduction

Movements at a crime scene should be carefully planned. Prior to any crime scene search responding officers must determine if the crimes committed are major crimes or minor crimes and then develop a specific search plan.

During major crime investigations

The **initial survey** should consist of securing the scene, noting visible evidence, calling for necessary resources, and controlling entry into the scene until properly relieved.

A major scene is defined by the need for specialized investigators and forensic personnel.

Initial surveys

Once a crime scene has been secured, an initial survey should be undertaken to identify the kind and amount of evidence that *may* exist in the designated area. The purpose of conducting such a survey is to give responding officers an opportunity to assess the amount of time, equipment, and personnel that may be needed to actually collect and process the evidence.

Officers should proceed cautiously through the crime scene area, being careful *not to touch, step on or disturb, or remove* any possible evidence when conducting the initial survey.

NOTE: For personal protection and for the protection of the evidence itself, officers may be required to wear items such as latex gloves, shoe covers, or other forms of protective clothing when conducting an initial crime scene survey.

Crime scene search

A **crime scene search** is a systematic, coordinated effort conducted in order to:

- locate evidence (physical, trace, impression, or biological) that indicates a crime has taken place, and
 - identify individual(s) who were present at the scene or may have committed the crime.
-

Continued on next page

Crime Scene Surveys and Searches, Continued

Search plans

Prior to conducting a crime scene search, all involved law enforcement personnel should have a clear understanding of the search plan. Everyone assisting in the search for evidence should be made aware of the:

- type of crime that has taken place,
- type of items that may be associated with the crime,
- perimeters of the area to be searched, and
- searching pattern that will be used.

NOTE: Searching officers should not limit themselves to collecting only items that they *think* are evidence. They must keep in mind that everything found in the crime scene should be considered evidence.

Selecting a search pattern

There are a number of different search patterns that can be used when attempting to locate evidence at a crime scene. The selection of a specific search pattern used at a crime scene should be based on the:

- location and configuration of the crime scene,
 - number of personnel available for the search, and
 - personal preference.
-

Documentation

The condition of the crime scene along with the location and description of items of possible evidence identified during any search should be documented in:

- the officer's field notes,
 - photographs,
 - crime scene diagrams, and
 - the officers original report and other supplemental reports.
-

Continued on next page

Crime Scene Surveys and Searches, Continued

Search patterns

The following table identifies five such patterns commonly used.

Pattern	Description
Line	<ul style="list-style-type: none">• Officer begins at one corner of the crime scene and searches back and forth across the area, moving in parallel straight lines (in the same manner as if mowing grass).• The search can be modified for use by two or more officers walking side by side when the crime scene is a large open area (e.g., open field, street, etc.).
Quadrant	<ul style="list-style-type: none">• Crime scene area is divided into fourths or specified quadrants.• Quadrants are searched one at a time by the officer(s).
Grid	<ul style="list-style-type: none">• An imaginary grid is superimposed on the crime scene area.• All blocks within the grid are the same size.• Officer(s) begin searching at one corner and proceed, searching one block at a time. <p>NOTE: A variation of this pattern is the sector search where a large area is divided into designated sectors and searched one at a time (e.g., searching a building by floors or by rooms).</p>

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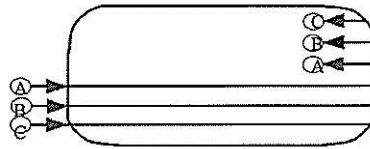
Crime Scene Surveys and Searches, Continued

Search patterns
(continued)

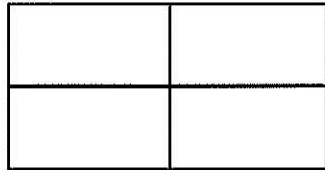
Pattern	Description
Spiral	<ul style="list-style-type: none">• Officer begins searching by circling the outer perimeter of the crime scene.• Officer continues spiraling in an ever-smaller circle toward the center of the crime scene area.• Useful when:<ul style="list-style-type: none">- searching a small crime scene area alone, or- it is believed that evidence that once was centrally located has been moved or hidden some distance from the original point of the crime.
Wheel	<ul style="list-style-type: none">• An imaginary circle is superimposed on the crime scene area.• The circle is divided into manageable pie-shaped wedges (or “spokes” as on a wheel).• Each wedge or section between spokes is searched one at a time.

Search Patterns

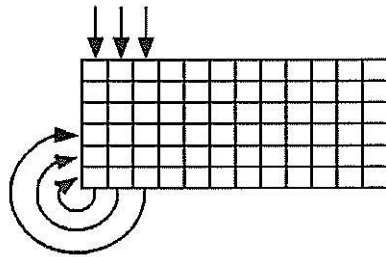
Line



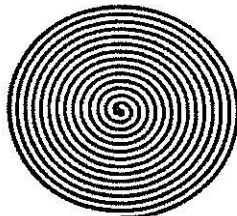
Quadrant



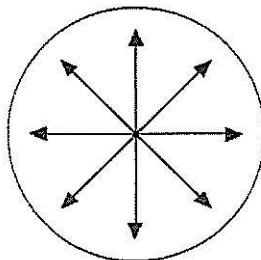
Grid



Spiral



Wheel



Photographs

Introduction Photographs of a crime scene can record how the scene appeared and how the evidence was found at the scene.

Benefits Crime scene photographs can:

- provide investigators with a visual record of the crime scene.
- allow the court to visually see the crime scene and the position and the state of each item of evidence at the scene.
- serve as a means of preserving fragile evidence.
- be stored as evidence indefinitely and be readily available if needed later.
- negate or validate statements made by suspects or witnesses.

Photographs as evidence Crime scene photographs are often used in a court of law as a form of demonstrative evidence. Photographs may be admissible as evidence if they:

- show an object or person relevant to the crime,
- accurately represent, without distortion, the object or scene photographed,
- are marked properly to identify contents and location, and
- are not used solely to appeal to the emotions or prejudice the court or jury.

Continued on next page

Photographs, Continued

Types of photographs

The following table identifies the four primary types of photographs taken to document a crime scene.

Type	Example
Location	<ul style="list-style-type: none">External view of the building, vehicle, or area where the crime has taken place (i.e., address, license plate).
Witnesses	<ul style="list-style-type: none">Candid photographs of groups of bystanders, witnesses, etc.
Evidence	<ul style="list-style-type: none">All visible items of evidence at the scene
Close-ups	<ul style="list-style-type: none">Close shots showing details of injuries, bodies, or individual items of evidence

General guidelines

Cameras can be used along with lighting equipment, tripods, and measuring devices to create images of the crime scene.

Peace officers should ensure the accuracy and credibility of all photographs taken at a crime scene.

Guidelines	Rationale/Description
Take photographs prior to conducting any detailed search for evidence.	<ul style="list-style-type: none">Such action helps ensure that the photographs record how the evidence was found at the crime scene.

Continued on next page

Photographs, Continued

General guidelines
(continued)

Guidelines	Rationale/Description
Take numerous different types of photographs.	<ul style="list-style-type: none">• Include:<ul style="list-style-type: none">- location (e.g., scene address)- witnesses and bystanders,- items of evidence, and- close-up images of evidence showing details.
Use markers and scale measures in the photographs.	<ul style="list-style-type: none">• Take initial photographs prior to placement of any marker(s) and after placing markers.• Place sequentially indexed markers next to items to:<ul style="list-style-type: none">- identify and call attention to the items, and- identify the order in which the photographs were taken.• Place measuring devices next to items to show:<ul style="list-style-type: none">- relative size of the items,- distances between objects,- degree of photographic enlargement, or- to call attention to particular trace evidence.
Use a tripod when possible.	<ul style="list-style-type: none">• Use of tripods or other stable items can help hold the camera steady and improve the quality of the photograph.• Tripods are especially beneficial when taking close-up shots of evidence.

Continued on next page

Photographs, Continued

General guidelines (continued)

Guidelines	Rationale/Description
Prepare a written log of all photographs taken.	<ul style="list-style-type: none"> • Do not rely on memory. • Accurately record all information that will be needed to properly label finished prints.
Avoid photographing extraneous persons.	<ul style="list-style-type: none"> • Do not include persons in the shot except when specifically photographing: <ul style="list-style-type: none"> - the body of a victim, - close-ups of an individual's injuries, or - onlookers and/or witnesses at a crime scene.

Photograph

For a photograph to be useful, the conditions under which it was taken must be properly documented.

	Guidelines
Photographer	<ul style="list-style-type: none"> • Full name, rank, identification number
Time	<ul style="list-style-type: none"> • Time and date the photograph was taken
Location	<ul style="list-style-type: none"> • Address of the crime scene and where the particular photos were taken
Camera Position	<ul style="list-style-type: none"> • Distance from the camera to the subject • Height of the camera from the ground when the photograph was taken

Continued on next page

Photographs, Continued

Photograph
(continued)

	Guidelines
Equipment	<ul style="list-style-type: none">• Type of camera and lens• Camera settings (e.g., shutter speed, lens setting, etc.)• Light source (e.g., natural light, electronic flash attachment, etc.)
Other Information	<ul style="list-style-type: none">• Name of individual if appropriate (e.g., witness, victim, etc.)• Any additional remarks pertaining to the case

Digital photography

Digital photography often provides easy means for documenting a crime scene.

When digital photography is used, images should be preserved and their storage location clearly noted in the officer's documentation.

NOTE: It is unprofessional and creates a loss of public trust when officers take unofficial photographs.

Crime Scene Sketches and Diagrams

Introduction

While photographs capture the position and state of individual items of evidence, they do not offer a “bird’s eye view” of the layout or the relative position of items of evidence or the spatial relationship of items of evidence. Sketches and diagrams can be used to supplement photographs and provide this additional information regarding the crime scene.

Benefits

Crime scene sketches and diagrams can:

- display a crime scene as a whole or in part.
 - provide clear and concise descriptions of all pieces of evidence.
 - show the relationship of items to each other.
 - show measured distances between items.
 - illustrate positions and movement of involved parties (e.g., victims, suspects, witnesses).
 - provide a permanent record of the conditions not easily recorded in words.
 - aid in reconstructing the crime scene.
 - supplement written field notes.
 - assist the reporting officer in writing comprehensive investigative reports.
 - illustrate the crime scene without extra clutter.
-

Rough sketches

A **crime scene sketch** is a rough drawing created by an investigating officer at the crime scene. It contains details and measurements that will be used when the final accurate diagram is later drawn. Rough sketches should be included in an officer’s field notes.

A crime scene sketch should:

- be drawn at the crime scene,
 - be complete enough to stand alone, and
 - include measurements pinpointing the location of all major items of physical evidence and critical features of the scene (e.g., furniture, plants, personal possessions, etc.)
 - geographic direction arrow with “N” indicating where the “north” compass point would be.
-

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Crime Scene Sketches and Diagrams, Continued

Diagrams

A **crime scene diagram** is a measured drawing showing the location of all important items, particularly items of physical evidence.

A crime scene diagram should show the:

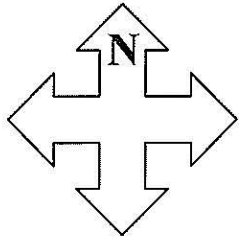
- layout of the entire scene,
- measured locations within the crime scene of each piece of evidence,
- locations of significant features of the scene, and
- spatial relationship between items.

Diagrams may be included with the officer's investigative report.

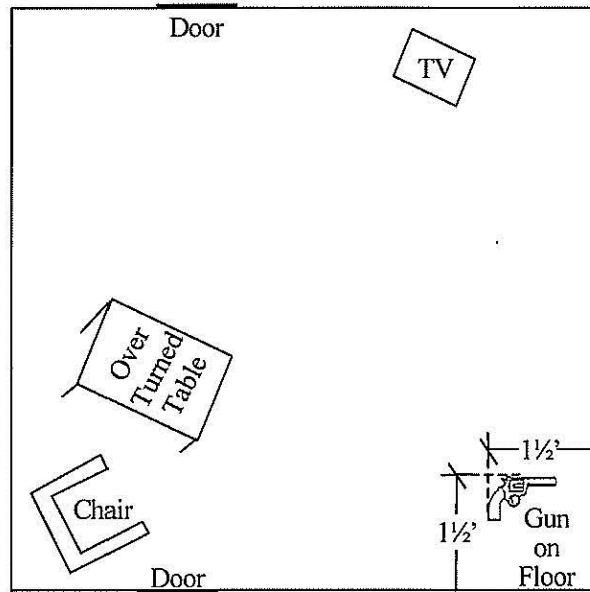
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Crime Scene Sketches and Diagrams, Continued

Overhead



Living Room

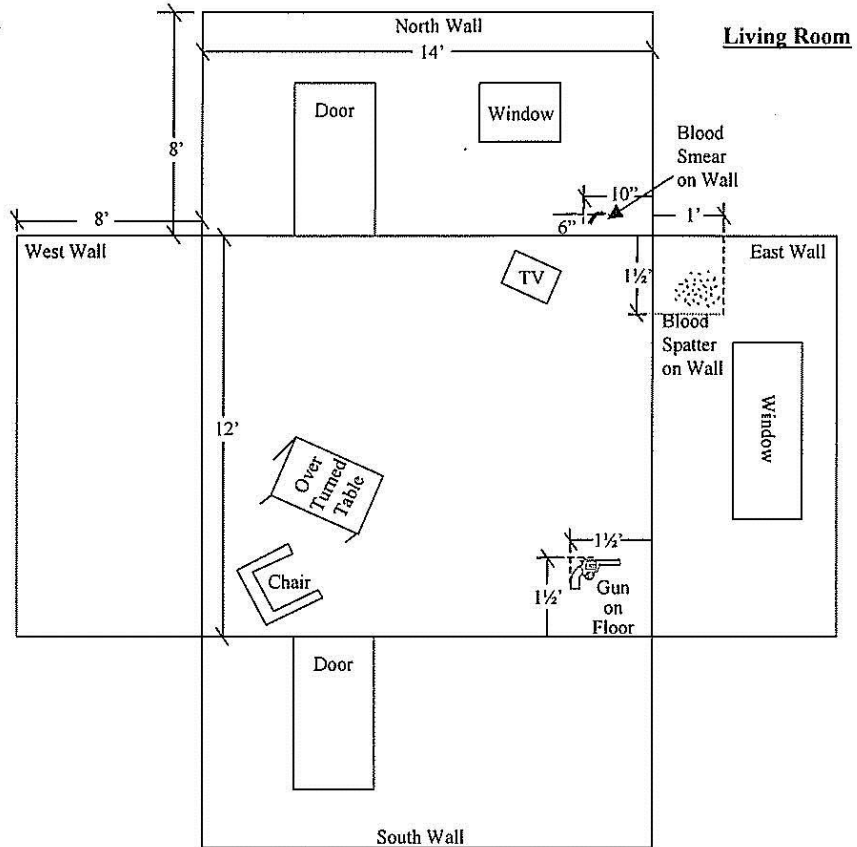
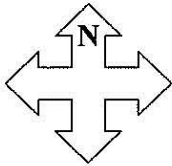


(not drawn to scale)

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Crime Scene Sketches and Diagrams, Continued

Exploded
view/Cross
section



(not drawn to scale)

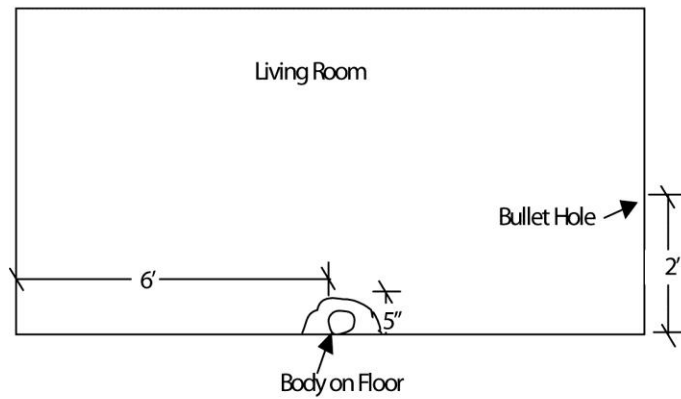
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Crime Scene Sketches and Diagrams, Continued

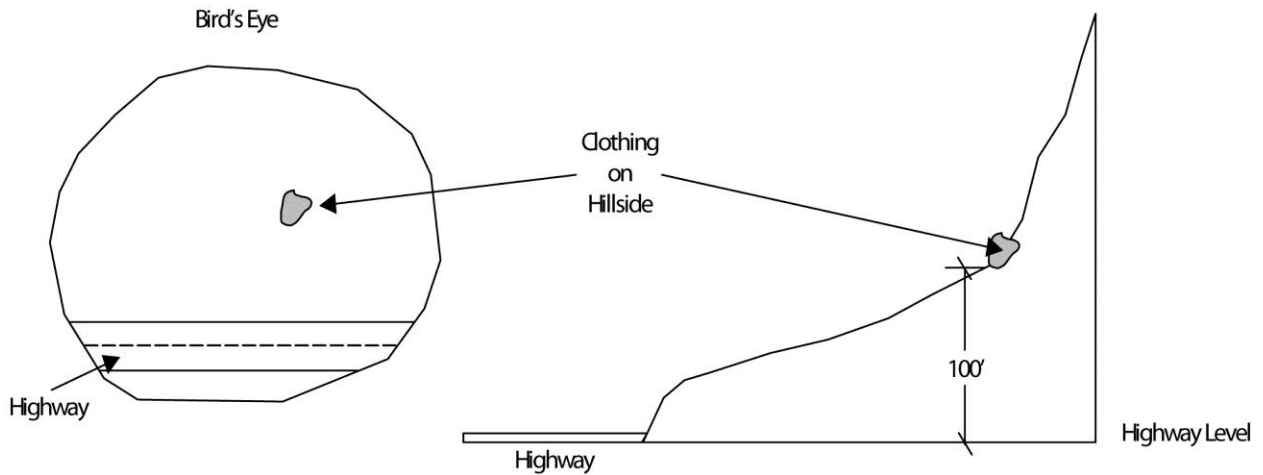
Elevation

Elevation

Example 1



Example 2

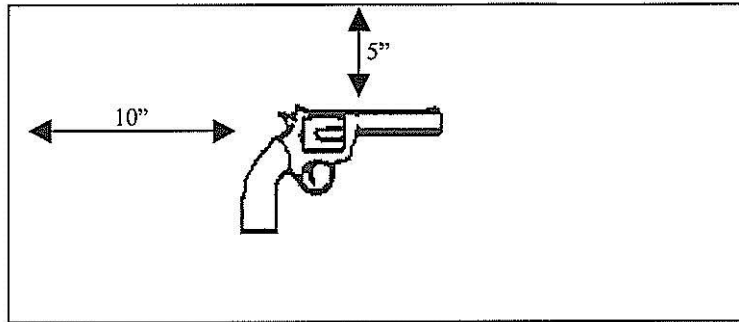


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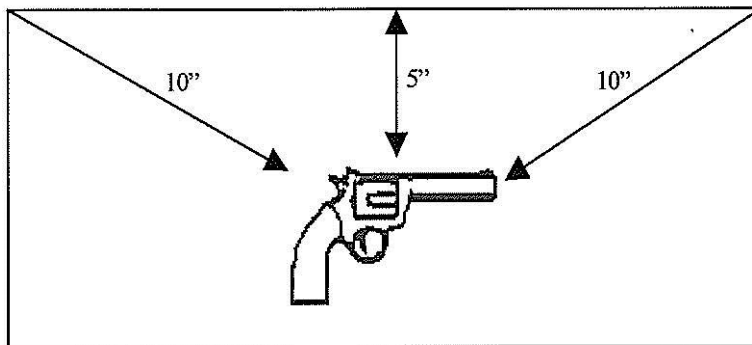
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Crime Scene Sketches and Diagrams, Continued

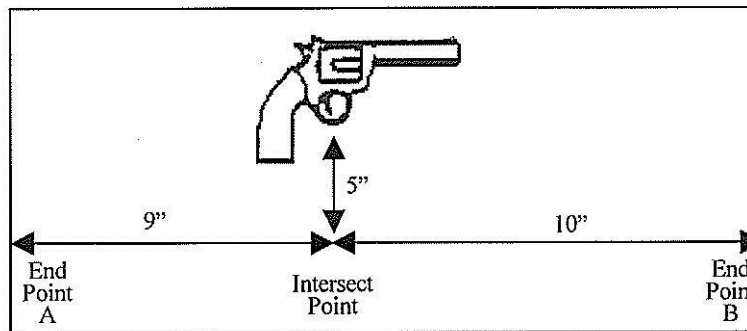
**Rectangular
coordination**



Triangulation



**Coordinate/
transect**



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Crime Scene Sketches and Diagrams, Continued

Content elements

Final crime scene diagrams should include specific types of information. The following table identifies the information that should be noted at the time the initial sketch is drawn and included on the final diagram.

	Guidelines
Diagraming Officer	<ul style="list-style-type: none">• Full name• Rank• Identification number
Other Individuals	<ul style="list-style-type: none">• Full name of anyone assisting in taking measurements• Identity of victim(s)
Time	<ul style="list-style-type: none">• Time and date the initial crime scene sketch was drawn
Crime Identification	<ul style="list-style-type: none">• Crime classification (e.g., burglary, homicide, etc.)• Case number (if known)
Details	<ul style="list-style-type: none">• Major discernible items of physical evidence and critical features• All possible entrances and exits (e.g., doors, windows, attic access, etc.)• Not to scale• Crime scene location/address

Continued on next page

Crime Scene Sketches and Diagrams, Continued

**Content
elements
(continued)**

	Guidelines
Location and Position	<ul style="list-style-type: none">• Address of the crime scene• Position where the particular sketch was drawn• Scale of the drawing• Location of major discernible items of physical evidence and critical features• Compass direction (i.e., location of north on the sketch) <p>NOTE: If the scale is not known, a notation should be added stating that the drawing is not to scale.</p>
Other Information	<p>Legend (explaining any symbols used to identify objects) Any additional remarks pertaining to the case</p> <p>NOTE: Notations should be written using a consistent orientation of lettering in the diagram. Individuals should not be required to turn the drawing in order to read a notation.</p>

Chapter Synopsis

Learning need	Peace officers must have a general understanding of the total range of basic criminal investigation procedures in order to make the appropriate decisions regarding the identification and preservation of evidence at the scene of a crime.
Ultimate goal [30.01.1]	The ultimate goal of a criminal investigation is to determine if a crime occurred, provide investigative leads, and assist in the successful prosecution of the guilty and exoneration of the innocent.
Steps of a preliminary investigation [30.01.2]	Although no two crime scenes are the same, the basic components of a preliminary criminal investigation remain similar. Approach and arrival, assessment, scene preservation, preliminary investigation and the investigative report.
Preserving a crime scene [30.01.5]	A crime scene encompasses not only the immediate area where a crime took place, but also other areas related to the crime.
Crime scene surveys and searches [30.01.6, 30.01.7]	Initial survey is an initial visual sweep of a crime scene. Crime scene search is a planned and coordinated systematic search of a crime scene.
Crime scene photographs [30.01.9]	Photographs of a crime scene can record how the scene appeared and how the evidence was found at the scene.

Continued on next page

Chapter Synopsis, Continued

**Components
of a crime
scene diagram
[30.01.10]**

A crime scene diagram may include:

- layout of the entire scene,
 - measurements within the crime scene for each piece of evidence, and the total measurement of the scene
 - reference points for two-point placement; triangulation placement, (reference points should be fixed points that will not change over time: (e.g., walls, curb lines, light standards)
 - locations of significant features of the scene, and
 - spatial relationships between items.
-

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. Describe two circumstances under which a piece of physical evidence may be moved by the initial responding officers at a crime scene. What actions should officers take to protect the integrity of the scene under those circumstances? How might the officers document these actions in each of the circumstances you have described?

2. What advantages might crime scene photographs have over rough sketches and diagrams at a crime scene involving a kidnapping? Give an example of a situation involving a crime scene, when a sketch/diagram might be more advantageous than photographs.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. At approximately 7:30 am, a lifeguard reporting for work discovered a body face down in the sand on the beach at the water's edge. You are called to the scene. Although there is blood visible on the victim's shirt, the mode of death is not obvious. There appears to be a trail in the sand that may indicate the body had been dragged to its current position from a public parking lot approximately 40 feet away. A number of people have begun to gather on the beach to see what is happening.

As the initial responding officer, where would you establish inner and outer perimeters of this crime scene? What actions would you take to secure each?

Continued on next page

Workbook Learning Activities, Continued

Student notes

Chapter 2

Evidence Collection

Overview

Learning need Peace officers must be aware of, and comply with, the general guidelines for the collection, packaging, and processing of physical evidence found at a crime scene to ensure that each piece of evidence is admissible in a court of law.

Learning objectives The following table identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	Objective ID
<ul style="list-style-type: none">demonstrate appropriate precautions that should be taken prior to collection and removal of physical evidence from a crime scene.	30.02.1
<ul style="list-style-type: none">identify the purpose of collecting control/known samples.	30.02.2
<ul style="list-style-type: none">identify the primary reason for establishing a chain of custody record.	30.02.4
<ul style="list-style-type: none">prepare the information that should be noted on a chain of custody record.	30.02.5
<ul style="list-style-type: none">identify the three forms of fingerprint impressions that may be found at a crime scene.	30.02.6
<ul style="list-style-type: none">apply the basic steps for developing latent fingerprints	30.02.16
<ul style="list-style-type: none">identify general guidelines for collecting and processing physical evidence that may be located at a crime scene.	30.02.15

Continued on next page

Overview, Continued

In this chapter This chapter focuses on the handling of specific forms of evidence collected at a crime scene. Refer to the table below for a specific topic.

Topic	See Page
Handling Evidence	2-3
Chain of Custody	2-17
Fingerprints	2-20
Developing Latent Prints	2-24
Collecting and Processing Evidence	2-30
Chapter Synopsis	2-85
Workbook Learning Activities	2-87

Handling Evidence

Introduction

Evidence can take any size, shape, or form. It may be obvious or imperceptible to the naked eye. Even if an item may not have obvious evidentiary value to an officer, it should be properly secured and identified.

Common errors

The most common errors made in the handling of evidence at a crime scene include the **failure to**:

- identify items of possible evidentiary value,
 - use the appropriate techniques for properly collecting and labeling a specific type of evidence,
 - submit sufficient quantities of evidence,
 - protect evidence from contamination,
 - submit control/known standard to be used for comparison purposes, and
 - maintain the chain of custody.
-

Precautions

The collection of evidence should proceed slowly and cautiously, no evidence should be overlooked or compromised. Prior to beginning the actual collection process, officers should consider:

- photographing all potential items of evidence to demonstrate their appearance and location when found.
 - diagramming the location and position of items of evidence to aid in later reconstructions of the scene.
 - taking notes regarding the physical appearance of evidence to document the condition in which it was found (i.e., “wet”, “dry”, “dirty”, “dusty”).
 - wearing appropriate clothing such as disposable gloves and nonrestrictive, noninterfering clothing to include booties or shoe covers.
-

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Handling Evidence, Continued

Perishable/ fragile evidence

The first officers at a crime scene should immediately observe and record any evidence that could be easily lost, damaged, contaminated, or destroyed by environmental elements or the presence of other individuals. Such perishable/fragile evidence should be noted, photographed, documented, and collected first.

Examples of evidence include, but are not limited to:

- fingerprints,
 - biological fluids, stains, DNA
 - gunshot residue,
 - hairs and fibers,
 - botanical materials
 - flammable liquids and accelerant,
 - shoe, foot, or tire impressions, etc.
-

Trace and transfer evidence

Trace evidence is evidence that is very small and usually cannot be seen with the naked eye. Oblique lighting may assist with visualization of trace evidence.

Transfer evidence is evidence that is transferred or passed when two objects come into contact with one another.

There can be numerous types of trace and transfer evidence at a crime scene. Examples include, but are not limited to:

- hair, fibers
 - latent fingerprints,
 - soil,
 - paint chips,
 - glass fragments,
 - biological fluids, etc.
-

Continued on next page

Handling Evidence, Continued

Areas to examine

The searching officer should examine the object or area from an angle. Possible areas or objects to examine may include, but are not limited to:

- suspected points of entry or direct contact (e.g., window sills, broken glass, door or metal associated with hit-and-run cases, etc.).
 - points of direct contact (e.g., furniture, carpeting, bedding, or clothing).
-

Locating trace and transfer evidence

Special considerations may arise when searching for trace and transfer evidence at a crime scene. Search techniques may include:

- examining the area carefully using:
 - the naked eye,
 - a magnifying lens,
 - oblique lighting (e.g., flashlight held at an angle),
 - using an evidence vacuum, and/or
 - specialized light.
-

Officer observations

Rain, snow, heat, humidity, wind, cold, or crowds and spectators can quickly destroy or compromise an officer's ability to locate physical evidence. The first officer on the scene should make note of such environmental conditions.

Depending on the nature of the crime and the conditions, responding officers may need to take action to protect perishable/fragile evidence until it can be properly documented and collected. For example, shoe prints or tire tracks may need to be covered by something that will not compromise or destroy the evidence.

NOTE: Although environmental conditions *may* be harmful to evidence, officers should *not* automatically assume that evidence has been destroyed because such conditions exist.

Continued on next page

Handling Evidence, Continued

Control/ known standard

In order to establish a link between a piece of evidence and a person or a crime scene, the unique identity of the object must be shown to the exclusion of all other similar objects. This can be done by collecting **control standard** and **known standard** samples at the crime scene.

	An item of evidence from a <i>known</i> source used to...	Examples
Control Standard	<ul style="list-style-type: none"> demonstrate a normal condition of a surface or other object. 	<ul style="list-style-type: none"> To determine the significance of a fluid on a particular cloth, it may be necessary to collect a control sample of an adjacent portion of the cloth that has not been contaminated by the fluid. When investigating a hit and run incident, a control sample may be collected from undamaged portions of the vehicle to demonstrate the normal paint on a vehicle before impact. A known standard of any transferred paint may also be collected from damaged portions to be compared with paint on other portions of the vehicle.

Continued on next page

Handling Evidence, Continued

**Control/
known
standard
(continued)**

	An item of evidence from a <i>known</i> source used to...	Examples
Known Standard	<ul style="list-style-type: none"> compare with items of evidence from an <i>unknown source</i>. 	<ul style="list-style-type: none"> Fibers from a carpet at the crime scene (known standard) can be collected and compared with fibers found in a person's automobile (evidence of unknown source). A known individual's fingerprints (known standard) can be collected and compared with the fingerprints collected at the crime scene (evidence of unknown source).

NOTE: A known standard may also be referred to as an *exemplar*.

**Collecting
known
standards
and controls**

Peace officers should use the same care and precautions when collecting, packaging, and marking known standards and controls as they would for any other form of evidence. This includes maintaining the proper chain of custody.

Continued on next page

Handling Evidence, Continued

Equipment

The ability to properly collect and preserve evidence may depend on officers having access to the appropriate equipment. A basic crime scene equipment kit may include, at a minimum, the following items.

NOTE: The following lists are *not* intended to be all inclusive. Requirements vary depending on the nature of the crime scene and available equipment.

	Examples
Camera Equipment	<ul style="list-style-type: none">• Camera (e.g., film, instant processing, video, digital, etc.)• Fingerprint camera• Photographic lighting equipment• Detachable flash to provide oblique lighting• Extra batteries• Tripod
Measuring Equipment	<ul style="list-style-type: none">• Tape measures• Rulers• Markers• Compass• L-shaped measures (that show dimension in two directions)
Documentation Materials	<ul style="list-style-type: none">• Property/evidence collection forms• Evidence labels• Graph paper• Templates for drawing• Writing implements (e.g., pens, pencils, etc.)
Lighting Equipment	<ul style="list-style-type: none">• Flashlights• Flood lamps• Black lights• Batteries/power source

Continued on next page

Handling Evidence, Continued

Equipment
(continued)

	Examples
Collection Equipment	<ul style="list-style-type: none">• Latex gloves• Shoe covers• Sterile swabs or swatch material (for collecting liquids)• Scraper/scalpel• Magnifying device• Casting materials and rubber containers• Brushes and other tools (e.g., pliers, screwdriver, putty knife, etc.)
Packaging Equipment	<ul style="list-style-type: none">• Various sizes of manila envelopes• Various sizes of paper bags• Plastic bags for “wet” evidence transport from scene• Various bags including paper, polyethylene, and plastic• Clear air tight containers• Cardboard boxes and pieces of cardboard• Other clean evidence containers of various types and sizes• Puncture proof containers (for sharp objects)• Glassen paper• Permanent marking instruments (e.g., felt-tipped pens, sharp-tipped stylus, etc.)• Evidence tape

Continued on next page

Handling Evidence, Continued

Equipment
(continued)

	Examples
Specialty Kits or Equipment	<ul style="list-style-type: none">• Fingerprint kit• Drug testing kit (presumptive)• Blood field kit (to test for the presence of blood)• Paraffin test kit (to test for gunshot residue)
Other	<ul style="list-style-type: none">• Distilled water• Soft paper (i.e., paper towels)• Large roll or sheets of butcher paper• String or cord• Rubber bands, paper clips

Continued on next page

Handling Evidence, Continued

Packaging evidence

Physical evidence can be damaged, lost, contaminated, or changed during handling and transportation. All pieces of evidence must be carefully packaged separately, using new and clean containers and packaging materials. The following table identifies general procedures for packaging whole objects.

IF the item is...	then...
large, bulky, or heavy	<ul style="list-style-type: none">• place the item on wood or heavy cardboard.• prevent shifting and contact with other items by fastening the item down firmly with string or wire passed through perforations in the supporting material. <p>NOTE: Organic plant materials should be packaged in paper (e.g., marijuana).</p>
small, light weight, or fragile	<ul style="list-style-type: none">• wrap the item lightly with soft paper, taking care not to damage any evidence.• place the item in a small box or other container, as soon as possible, for transport.

NOTE: Additional information regarding packaging specific types of evidence is addressed later in this workbook.

Continued on next page

Handling Evidence, Continued

Containers

Being aware of the types of containers that can be used with specific types of evidence will aid officers in making the appropriate selections during the collection process. The following table identifies common containers and the types of evidence with which they can be used.

	can be used for packaging..	Examples
Paper	<ul style="list-style-type: none">• most dry items.	<ul style="list-style-type: none">• Sheets, bags, envelopes, etc.• Best type of container to use• Easy to store• Allows items to “breathe”• Easy to write on• Can be transferred to other containers, if necessary• Organic plant material (e.g., marijuana, mushrooms)
Cardboard	<ul style="list-style-type: none">• firearms or• items that need protection such as:<ul style="list-style-type: none">- bloody clothing or- knives or other weapons with dried blood or tissue on them- shoe casts	<ul style="list-style-type: none">• Boxes, flat pieces, etc.• Item should be carefully placed in an appropriate sized box.

Continued on next page

Handling Evidence, Continued

Containers (continued)

	can be used for packaging...	Examples
Metal	<ul style="list-style-type: none">• chemicals or• items with flammable fluids on them (e.g., gasoline-soaked rags).	<ul style="list-style-type: none">• Small tins, larger containers, etc.• Should be airtight and sturdy enough to prevent leakage or easy damage• Other packaging materials should not be included within the can (e.g., paper, bubble wrap, etc.).
Plastic	<ul style="list-style-type: none">• paper or• small amounts of narcotics or drugs.	<ul style="list-style-type: none">• Bags, containers, etc.• Do not use with items that are wet or damp and could mildew quickly. (Plastic is nonporous and will not allow air to get in.)

NOTE: For more information on packaging of narcotics and drugs refer to LD 12: *Controlled Substances*.

Continued on next page

Handling Evidence, Continued

Sealing evidence

To maintain the chain of custody, each container containing a piece of evidence should be properly sealed.

Evidence tape can be used to seal all containers (i.e., boxes, envelopes, vials, etc.) in such a way that they cannot be opened without breaking the seal. The person packaging the evidence should sign or initial and date the seal using permanent ink so that the marking extends from the seal onto the container.

Marking and labeling evidence

To ensure that evidence presented in court is the same evidence collected at the crime scene, the outside of each container or wrapped item should be identified and labeled separately.

If the item is not packaged inside some form of container that can then be marked, an evidence tag should be carefully attached to the item. Care must be taken to tape the tag to the item in such a way as to not alter, scratch, or prevent the processing or examination of the item.

Using permanent ink, the following information should be carefully and legibly noted on the evidence label or tag.

- Collecting officer's name
 - Collecting officer's identification number (i.e., serial/badge number)
 - Time and date the evidence was collected
 - Location where the evidence was collected
 - Content description (including quantity and size)
 - Type of crime (e.g., burglary, homicide)
-

Continued on next page

Handling Evidence, Continued

Marking and labeling evidence (continued)

- Any other related information such as:
 - case control number, or
 - witness(es) to the collection
- Collecting officer's signature

NOTE: Unless agency policy is to the contrary, officers should not place any markings directly on an item of evidence itself. Marking evidence in this manner may affect or even destroy its evidentiary value.

Submitting evidence

After each collected sample has been properly photographed, collected, marked, packaged, and labeled, it is ready to be transported to the local property room or office and "submitted into evidence." At that time, the evidence becomes the responsibility of the property and evidence manager.

Specific agency policy will dictate which items may be recorded on a single property form. The property form becomes the chain of custody record for that item, documenting when, why, how, and by whom the item has been handled.

Evidence collection teams

Evidence technicians are specially trained individuals who respond to the crime scene at the request of the officer. Once at the scene, they may be involved in collecting, preserving, and transporting physical evidence.

Larger urban law enforcement agencies may be equipped with evidence collection technicians and large investigative units including mobile crime unit.

Officers in smaller or rural jurisdictions may not have evidence teams available to them. It becomes the officer's responsibility to determine how an item of evidence is best collected, packaged, and transported.

Continued on next page

Handling Evidence, Continued

**Specific
agency
policies**

Policies and procedures can vary for different law enforcement agencies.

Peace officers are responsible for being aware of and complying with their own agency's policies and procedures regarding the handling and collection of physical evidence related to a crime scene.

Chain of Custody

Introduction For any piece of evidence to be considered valid and reliable by the court, it must be accounted for from the time it is collected at the scene until it is presented in court.

Court testimony Individuals within the judicial process who have handled a piece of evidence (e.g., investigating officers, evidence technicians, etc.) may be asked in court to positively identify that evidence and testify regarding:

- who had contact with the evidence,
 - when or during what time periods the evidence was handled,
 - under what circumstances the evidence was handled, and
 - what changes, if any, were made to the evidence.
-

Definition The **chain of custody** is the written, witnessed, unbroken record of all individuals who maintained control or had access to any physical evidence. A complete and accurate chain of custody record is absolutely essential in establishing the validity and integrity of evidence in court.

Continued on next page

Chain of Custody, Continued

Property

Different categories of property may require a recorded chain of custody. The following table describes a number of such categories.

Category	Description	Example(s)
Evidence	<ul style="list-style-type: none">Property which may:<ul style="list-style-type: none">- be related to a crime or investigation, or- implicate or clear a person of a criminal charge	<ul style="list-style-type: none">ToolsFingerprintsHair or fibersPhysical evidence
Non-evidence	<ul style="list-style-type: none">Property that comes into law enforcement custody, but cannot be connected to a crimeProperty that may be submitted by an officer or any other individual	<ul style="list-style-type: none">Found property (e.g., bicycles)Weapons held in safe keeping
Personal Property	<ul style="list-style-type: none">Property which a person had in possession at the time of arrest that has no evidentiary value	<ul style="list-style-type: none">BillfoldMoneyClothing

Chain of custody record

The chain of custody begins when an item is first collected as evidence. From this time, supplying complete, clear, concise information and using appropriate documentation techniques will aid in keeping the chain of custody intact.

Continued on next page

Chain of Custody, Continued

Chain of custody record (continued)

Although the format of property forms may vary, each will require specific information including:

- the report number,
 - who initially found the item,
 - where and when the item was found,
 - a description of the item,
 - who recovered, packaged, and labeled the item,
 - who transported the item,
 - where it was submitted, and
 - where, how, and when the item was secured.
-

Handling evidence

Anyone who handles evidence officially accepts custody of that evidence by signing the chain of custody record.

Individuals who may become involved in maintaining the chain of custody include, but are not limited to:

- responding officers,
- investigating officers,
- evidence technicians,
- property personnel,
- laboratory personnel, or
- individuals from the district attorney's office.
- defense experts
- medical professionals.

NOTE: It is important to limit the number of individuals in the chain of custody in order to maintain accountability and integrity of evidence.

Fingerprints

Introduction

In 1946, the California Supreme Court stated that “fingerprints are the strongest evidence to prove the identity of a person and under the circumstances of a case may alone be sufficient to identify the defendant as the criminal.” Today, fingerprints are still the most common form of physical evidence found at a crime scene.

Description

A **fingerprint** is a copy or impression of the ridges and valleys present on the outermost layer of human skin. These ridges and valleys can be found not only on the tips of the fingers, but also below the first digit and sides of fingers, and on palms, feet, and toes. Each pattern that makes up a fingerprint is unique to that specific individual. These patterns first appear on human appendages between 100 and 120 days after conception and, except for size or some form of external permanent damage, will remain the same throughout the person’s lifetime.

Continued on next page

Fingerprints, Continued

Locations

Most crime scenes are likely to contain some form of fingerprint evidence. When searching for possible fingerprints, officers should first concentrate on all possible places a person may have touched. The following table identifies a number of such locations.

Location	Additional Information	Examples
Entry points/ exit points	<ul style="list-style-type: none">• Best source of fingerprints• Person may have touched something to gain entry or exit to the building, room, or vehicle.	<ul style="list-style-type: none">• Window frames and sills• Door handles, surfaces, or frames
Objects that required movement	<ul style="list-style-type: none">• Person may have had to touch, move, or open something in order to gain access or reach a particular item or to carry out a specific crime.	<ul style="list-style-type: none">• Counter tops• Steering wheel• Drawers
Objects used during the crime	<ul style="list-style-type: none">• Person may have had to use tools or other items in order to commit the actual crime.	<ul style="list-style-type: none">• Screwdriver, crow bar, or other forms of tools

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Fingerprints, Continued

Precautions

Fingerprints are a form of perishable/fragile evidence that can be easily smeared or destroyed. Because of this, officers at a crime scene should always:

- handle items as little as possible,
- pick up items by holding areas least likely to contain a print (i.e., on rough surfaces),
- keep in mind that wearing gloves or using handkerchiefs, while keeping their own prints off an item, may also wipe away any prints already on the item, and
- bring any portable object with fingerprints on it to the lab whenever possible, rather than attempting to process the object for fingerprints at the crime scene.

NOTE: If an item is large or bulky, the portion bearing the fingerprints may be detached and brought to the lab (e.g., drawer, window panes, etc.).

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Fingerprints, Continued

Forms of fingerprints

There are three forms of fingerprint evidence that can be found at a crime scene: **visible fingerprints**, **plastic fingerprints**, and **latent fingerprints**. Each form requires different techniques for identification and collection. The following table identifies each form.

Form	Description	Collection Technique
Visible	<ul style="list-style-type: none">• Impression was left behind in blood, paint, grease, oil, or similar materials.	<ul style="list-style-type: none">• When possible, allow print to dry.• Photograph print with a special fingerprint camera. (A fingerprint camera will produce a 1:1 ratio original-size photograph.)• Describe and document the location for each print in field notes.• Collect the object or portion of the object on which the visible print appears. (This should be done only if movement will not damage the print.)
Plastic	<ul style="list-style-type: none">• Impression was left on soft substances such as heavy grease, melted candle wax, soap, putty around a window, or similar materials.	
Latent	<ul style="list-style-type: none">• Impression was left by secretions from perspiration or oils on the skin.• Most commonly found at a crime scene• Invisible to the naked eye until developed	<ul style="list-style-type: none">• Techniques vary depending on the nature of the surface where the fingerprint was left.

NOTE: If a fingerprint camera is not available, a standard camera can be used by including a scale for size next to the fingerprint image

Developing Latent Prints

Introduction

Fingerprints left on a nonporous surface may be developed (made visible to the naked eye) by the use of special powders which adhere to the fingerprint itself or by chemicals.

Fingerprints left on a porous surface will require chemical development procedures which should be done by trained personnel.

Latent fingerprints on nonporous surfaces

A **nonporous surface** is any surface that does not absorb liquids or oils (e.g., plastic, glass, etc.). The following table describes one process used for developing a latent fingerprint on a nonporous surface.

Basic Steps	General Guidelines
Identify possible locations where prints may have been left.	<ul style="list-style-type: none">• Identify surfaces likely to have latent prints.• Identify which of these surfaces might be threatened by contamination (such surfaces should be developed first.)• If possible, retrieve the entire item for further examination at a laboratory.• If item, or the relevant portion of the item cannot be transported, take close-up photographs of each identified surface.
Prepare equipment (brush, powder, etc.).	<ul style="list-style-type: none">• Select the appropriate color of powder. (Black is the most common color used.)

Continued on next page

Developing Latent Prints, Continued

Latent fingerprints on nonporous surfaces
(continued)

Basic Steps	General Guidelines
Lightly dust surface.	<ul style="list-style-type: none">• Carefully touch brush to powder and lightly dust each surface with a small amount of powder.• If necessary, add more powder gradually in small amounts.• After powder has been absorbed and all print details have been developed, gently brush away excess powder to “clean” the rest of the surface.
Photograph revealed fingerprint in place.	<ul style="list-style-type: none">• Photograph print with a special fingerprint camera.• If a fingerprint camera is not available, a standard camera can be used by including a scale for size next to the fingerprint image.

Continued on next page

Developing Latent Prints, Continued

Latent fingerprints on porous surfaces

A **porous surface** is any surface that will absorb liquids or oils (e.g., paper, fabric, leather, wood, etc.).

Officers who believe latent prints exist on an item with a porous surface should:

- handle porous surfaces with gloves to avoid cross-contamination of the evidence collector to the evidence item.
- avoid “overwriting” of a porous object (e.g., “demand note” in paper bag and collector writes on paper bag, transferring writing to evidence item).
- carefully place each item in a separate container to avoid contamination.
- mark, seal, and label the container, noting “to be processed for latent prints” clearly on the label.
- document the collection in their notes and in the investigative report.

NOTE: Refer to the guidelines for collecting *documents* later in this chapter.

Developing latent prints on porous materials

Specialized technicians have a number of techniques which can be selected for developing a latent print on a porous surface. Each technique relies on an interaction between the perspiration or oil in the latent fingerprint and the chemical that has been applied.

Continued on next page

Developing Latent Prints, Continued

Lifting latent fingerprints

Lifting a latent fingerprint refers to the process of removing a developed latent fingerprint from the surface where it was found. The following table identifies techniques for lifting latent prints from a nonporous surface.

Technique	General Guidelines
Fingerprint tape	<ul style="list-style-type: none">• Make sure tape begins with a ¼ inch section folder over.• Affix the loose end of a roll of appropriate size transparent cellulose tape (e.g., two-inch-wide) next to the developed fingerprint with one hand while holding onto the roll with the other hand.
	<ul style="list-style-type: none">• Beginning at the affixed end, slide thumb along tape to <i>gently</i> force it down over the developed fingerprint.
	<ul style="list-style-type: none">• Beginning at the affixed roll end, carefully peel the tape from the surface.
	<ul style="list-style-type: none">• Place the tape containing the lifted fingerprint onto a latent fingerprint lift card.• When developed fingerprint is properly secured to the card, sever the remaining tape from the roll.
Preassembled lifter	<ul style="list-style-type: none">• Apply and peel off lifter “patch” to the surface containing the developed latent print using the same initial technique as with cellulose tape.

Continued on next page

Developing Latent Prints, Continued

Lifting latent fingerprints (continued)

Technique	General Guidelines
Preassembled lifter (continued)	<ul style="list-style-type: none">Place cellophane tape over the adhesive (“sticky”) side of the lifter to protect the print.
	<ul style="list-style-type: none">If the lifter is opaque, examine and photograph the lifted fingerprint on the reverse side only. (Photographs should be printed with the negatives reversed.)

NOTE: Latent prints should be photographed in place prior to any attempt to lift the fingerprint from the surface.

Latent fingerprint cards

Lifted prints are placed on special latent print cards. The color of the card selected should be in contrast with the color of the powder used (black, white, or transparent).

Each card should be labeled with the following information.

- Date/time
 - Case title or number
 - Collector’s name and signature
 - Sketch of exact location where latent fingerprint was found
 - Description of item that latent fingerprint was found on
 - Any other required identification numbers (e.g., case number, evidence item number, etc.)
 - Diagram of the location of the latent fingerprint on the surface area and direction of the latent on the surface area.
-

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Developing Latent Prints, Continued

Packaging

Latent fingerprint cards should be placed in envelopes, sealed, and labeled appropriately as evidence.

All latent fingerprint cards should also be noted in the officer's field notes as well as in the investigative report.

Rolling fingerprint/ known standards

To be useful, fingerprints from an unknown source found at the crime scene must be matched with fingerprints from a known source (fingerprint known/standard).

The collecting and recording of the fingerprints of a known individual is often referred to as **rolling** the fingerprints. Rolled fingerprints may be obtained from individuals who are considered suspects or from individuals to be eliminated as suspects (e.g., victims, witnesses, initial responding officers, etc.).

Collecting and Processing Evidence

Introduction

Numerous other forms of evidence can be identified at any crime scene. Although specific techniques may differ, basic principles regarding the documentation, collection, and processing of evidence remain the same.

General guidelines

The following general guidelines should be followed consistently when collecting all forms of evidence.

- Be aware of and comply with specific agency policies and procedures for evidence collection and packaging.
- Document the existence, condition, and location of each piece of evidence within the crime scene using photographs, sketches/diagrams, and written entries in the field notes. Include information regarding exact location, color, pattern, size, shape, etc.
- Collect and package all evidence in an appropriate manner, using techniques that will not harm or compromise the evidentiary value of the item.
- After each piece of evidence is packaged, seal with evidence tape, label, and process according to specific agency policies and procedures.
- Document the collection of each piece of evidence collected, along with the techniques used for collection and packaging in field notes and investigative report.
- When applicable, collect, package and process control/known standard samples in the same manner as the corresponding evidence samples from the crime scene.

NOTE: The remainder of this lesson contains information regarding the application of the guidelines noted above to specific forms of evidence that may be located at a crime scene.

Continued on next page

Collecting and Processing Evidence, Continued

Basic equipment

The following table identifies the basic equipment that will be required in order to roll a person's fingerprints for comparison purposes.

Equipment	Description
Fingerprint ink	<ul style="list-style-type: none">• Printer's ink• Contains a mixture of oils that permits the print to dry rapidly
Slab	<ul style="list-style-type: none">• A piece of plate glass or other nonporous surface that holds ink• Should be 4" x 10" in size
Rubber roller	<ul style="list-style-type: none">• Made of hard rubber• One inch in diameter and four inches in length• Used to spread ink evenly on the slab
Fingerprint card	<ul style="list-style-type: none">• Standard FBI or other law enforcement form with designated spaces for:<ul style="list-style-type: none">- single and grouped fingerprints- description data on the person- signatures
Card holder	<ul style="list-style-type: none">• A piece of wood with metal strips that hold the fingerprint card in place

NOTE: Officers may also use portable ink or "inkless" pads for rolling fingerprints.

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Collecting and Processing Evidence, Continued

Recording process

The following table identifies the steps involved in obtaining a legible set of rolled fingerprints.

Basic Steps	General Guidelines
Prepare person's hands.	<ul style="list-style-type: none">• Clean the person's hands of dirt, grease, or perspiration by wiping them with a small cotton ball dipped in carbon tetrachloride or other acceptable cleaner. <p>NOTE: If there is gunshot residue or blood on the person's hands, this evidence should be collected before recording the person's fingerprints.</p>
Prepare fingerprint card.	<ul style="list-style-type: none">• Fill in fingerprint card with requested data relating to the person<ul style="list-style-type: none">- Full name- Description- Date- Signature of member of the submitting agency who can testify in court as to the origin of the fingerprints• Have the person sign a full name on the card within the signature block.• Place a fingerprint card in a holder.
Prepare equipment (slab, ink, etc.).	<ul style="list-style-type: none">• Place a few drops of clean, fresh fingerprint ink on a clean glass/stainless steel slab.• Use a back and forth motion with the roller to spread ink evenly over the slab.

Continued on next page

Collecting and Processing Evidence, Continued

Recording process
(continued)

Basic Steps	General Guidelines
Record rolled fingerprints from right hand one at a time.	<ul style="list-style-type: none"> • Instruct the person to look away from card, relax fingers, and let the officer do all the work. • Roll person's thumb on the inked slab in a 180 degree arc (from nail edge to nail edge), so that the thumb is inked from below the first joint to the tip. • Grip the person's inked thumb between the first and second joint with right hand. • Control the pressure with the officer's left hand and guide the movement of the person's thumb on the appropriate block on the card; roll the inked thumb inward toward the center of the person's body (in 180 degree arc). • Place each finger, one at a time on inked slab just as the thumb was placed. • On the corresponding block on the fingerprint card, roll each finger away from the center of the person's body.
Record pressed fingerprints from right hand one at a time.	<ul style="list-style-type: none"> • Press thumb on the inked slab. • Without rolling, press inked thumb on the bottom of the card in the appropriate space. • Press all four fingers simultaneously on the inked slab. • Without rolling, press all four fingers on the bottom of the card in the appropriate space.

Continued on next page

Collecting and Processing Evidence, Continued

Recording process (continued)

Basic Steps	General Guidelines
Record rolled and pressed fingerprints from left hand.	<ul style="list-style-type: none">• Repeat the same steps as for the right hand.
Document process.	<ul style="list-style-type: none">• Document in the officer's notes and investigative report that fingerprints have been obtained.

Palm prints

If palm prints were found at the crime scene, palm prints can be recorded from a known individual by using the following process.

- Roll a layer of ink directly on the person's palm with ink roller.
 - Press palm down on a palm print card.
 - Record all required information just as with fingerprints.
-

Fingerprint patterns

Fingerprints from unknown sources are matched with known standard fingerprints by a means of comparing fingerprint pattern characteristics. To determine if a fingerprint is identifiable with a known standard, individual points of identification must match.

Continued on next page

Collecting and Processing Evidence, Continued

Fingerprint patterns (continued)

There are a number of common overall pattern characteristics that are the basis for all classification coding systems.

Pattern Characteristics	Description
Arch	<ul style="list-style-type: none">• Composed of ridges that enter from one side of the print, then flow, or tend to flow, to the opposite side• May contain plain small arches without much angle all the way to sharp angled tented arches
Loop	<ul style="list-style-type: none">• Composed of ridges that enter from one side of the print, recurve, then flow out on the same side as they entered
Whorl	<ul style="list-style-type: none">• Any pattern that does not fit into a loop or arch
Scarred or mutilated	<ul style="list-style-type: none">• Used only if ridge pattern cannot be identified due to scars or some other form of physical damage to the fingerprint

State classification system

Agency fingerprint examination personnel are trained to compare fingerprints from a known individual with those collected at the scene of a crime or from items related to a crime.

If no match is initially obtained, the crime scene prints may be submitted to the state's **Automated Fingerprint Identification System (AFIS)**. Full or partial fingerprints can be compared with state rolled fingerprint files.

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Collecting and Processing Evidence, Continued

Human biological fluids and stains

Human **biological fluids** and stains (i.e., blood, semen, vaginal secretions, saliva, fingerprint residue, touch DNA, perspiration) may be found at any crime scene, not just those crime scenes associated with violent crimes.

DNA genetic identification

Deoxyribonucleic Acid (DNA) is a substance that is found in the chromosomes in the nucleus of all human cells. It provides the genetic coding information that determines characteristics that are unique to each individual.

Techniques have been developed that enable forensic scientists to isolate strands of DNA from cells contained in blood, semen, ear wax, perspiration, latent fingerprint residue, hair roots, cut hair, skin, and other human tissue. It may also be possible to obtain DNA from samples of saliva collected from chewing gum, stamps or envelopes, or other items.

Once processed, portions of DNA from a control/known standard (e.g., a person) can be compared with corresponding portions of DNA information collected from blood, semen, or another unknown source that relates to a crime.

NOTE: Identical twins will have the same DNA profile.

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Collecting and Processing Evidence, Continued

DNA databases

All 50 states have passed legislation granting the authority to collect samples for DNA analysis from all felons convicted of violent crimes to be entered into local, state and federal CODIS DNA databases. The CODIS database can link perpetrators to forensic evidence recovered at the crime scene and can provide case-to-case hits, linking forensic evidence from different crime scenes and jurisdictions. CODIS is a national database. This information, along with information from DNA analysis of crime-related evidence from unknown sources (e.g., sperm collected from a rape victim), is organized in computer databases at the state and federal levels.

Access to this information is limited to *law enforcement investigative purposes only*.

NOTE: Some states have granted the authority to collect samples for DNA testing from individuals who have been arrested, but not yet convicted of certain specified violent crimes.

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Collecting and Processing Evidence, Continued

Evidentiary value

Blood and other biological fluids collected at a crime scene can provide valuable information for officers. The following table provides some examples of the types of information that may be obtained.

The identification and analysis of...	may...
blood	<ul style="list-style-type: none">• identify an individual's DNA.• indicate the direction of movement by an individual.• indicate where a victim actually died.• identify a weapon and a possible method in which it was used (if it is a blunt instrument).• aid in determining direction, velocity, distance of travel, or angle of impact.• show whether or not an individual had consumed alcohol or used certain drugs.• establish the individual blood type
Semen	<ul style="list-style-type: none">• identify an individual's DNA.• indicate whether or not the individual has had a vasectomy.• establish the individual blood type.
vaginal secretions	<ul style="list-style-type: none">• identify an individual's DNA.• indicate the presence of sperm (and possibly information leading to identification of male sexual partner(s)).• establish the individual blood type.
saliva, perspiration, urine, or other biological fluids	<ul style="list-style-type: none">• identify an individual's DNA.• establish blood type.

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Collecting and Processing Evidence, Continued

Collection of fluids/stains

The collection and preservation of blood and other biological fluids require special precautions and considerations on the part of officers. The specific technique to use for collection and preservation of the evidence is dependent on the location and condition of the substance. Officers working around biological evidence can contaminate the evidence by talking, sneezing, coughing, or perspiring.

The following table presents general guidelines for the collection and preservation of biological fluids collected from a crime scene.

Basic Steps	General Guidelines
Take appropriate safety precautions	<ul style="list-style-type: none">• All biological fluids should be considered infectious and handled with care.• There is always a risk that blood and other biological fluids can transmit infectious diseases (e.g., HIV, hepatitis, etc.).• Wear latex gloves, masks, and eye protection when handling biological fluids.
Document location and appearance of evidence	<ul style="list-style-type: none">• Photograph the item in place prior to collection.• Describe location and condition of fluid or stain in notes.• Use sketches and diagrams if necessary.
Collect stained item or portion of the item	<ul style="list-style-type: none">• Collect the entire object on which the substance appears (e.g., bloody clothing, stained cushions, etc.).• If the entire object cannot be collected, remove and collect the portion of the item containing the stain.

Continued on next page

Collecting and Processing Evidence, Continued

Collection of fluids/stains (continued)

Basic Steps	General Guidelines	
If the stained item/ portion cannot be collected, collect samples	Swabbing	<ul style="list-style-type: none"> • Moisten small amount of clean gauze/cotton swab in distilled water. • Dab the wet area with the moistened gauze to absorb the fluid. • <i>Air dry</i> gauze. • Wrap collected item in clean paper.
	Scraping	<ul style="list-style-type: none"> • Scrape fragments/flakes onto a clean paper. • Fold the paper carefully several times (i.e., bundle).
Package dried sample using appropriate container.	<ul style="list-style-type: none"> • When possible, wet or damp collectable items should be dried at room temperature before packaging. <ul style="list-style-type: none"> - Artificial heat (e.g., hair dryer) should not be used to dry item. • Each item should be placed in a separate container to avoid contamination. • Evidence should be placed (e.g., whole or portion of item, gauze/cotton swab, bundle containing dry scrapings, etc.) in a porous container such as a paper envelope, paper bag, or cardboard box. <p>NOTE: Items should <i>never</i> be placed in airtight containers where moisture can build and promote bacterial growth.</p>	

NOTE: If the substance is on a person it may be collected by swabbing or scraping.

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Collecting and Processing Evidence, Continued

Collection of fluids/stains (continued)

Basic Steps	General Guidelines
Process according to specific agency policies or procedures.	<ul style="list-style-type: none"> • Seal each container and label properly as evidence. • Freeze/refrigerate "dry" samples as soon as possible.
Document process in field notes and investigative reports.	<ul style="list-style-type: none"> • Identify all items or samples collected. • Describe technique used for collection, packaging, and processing each item or sample.

Control/known standard

For comparison purposes, control samples of unstained items (e.g., unstained carpet sample) and known samples of biological fluids from individuals whose identity is known (e.g., suspect(s), victim(s), etc.) should also be obtained.

Samples collected from individuals must be collected in a medically approved manner and processed according to specific agency policies or procedures.

NOTE: Each specimen that is maintained in a liquid state (e.g., vials of blood, semen sample) should be refrigerated, if it cannot be immediately transported. Known standards for comparison against biological evidence recovered from the crime scene or crime scene evidence can be obtained by collecting a "Buccal" or "cheek swab" from a known subject. This is collected using sterile cotton swabs and, once dried, must be stored appropriately pending analysis by a crime laboratory.

NOTE: If the collection procedure is considered invasive (e.g., drawing blood) officers may be required to show probable cause and obtain a search warrant prior to collecting the sample. For additional information regarding such requirements, refer to LD 16: *Search and Seizure*.

Continued on next page

Collecting and Processing Evidence, Continued

Blood stain patterns

Blood stain patterns (e.g., spatter) left at a crime scene may provide valuable information regarding the sequence of events, the nature of the event that caused the bleeding (e.g., force, velocity, direction, etc.), and movement of persons or objects.

Responding officers who encounter blood spatters and patterns should:

- recognize their potential for providing critical information,
 - request a blood spatter analyst, if needed, to assist with the crime scene investigation.
 - take necessary steps to protect the area without disturbing the spatter or pattern itself,
 - document the location and describe the spatter or pattern within their field notes, and
 - take photographs of the spatter or pattern.
-

Semen or vaginal secretions

Seminal fluid and vaginal secretion stains collected at a crime scene or from a victim may provide evidence leading to the identification or elimination of possible suspects.

Possible locations for such stains at a crime scene include, but are not limited to:

- bedding, floors, furniture,
- articles of discarded clothing,
- towels, napkins, tissues, and washcloths,
- condoms, or
- vehicles.

NOTE: Any item collected should be allowed to air dry, if necessary, and packaged and preserved accordingly.

Continued on next page

Collecting and Processing Evidence, Continued

Saliva

During an investigation, it may be necessary to collect an Oral Reference Sample from an individual.

To obtain an Oral Reference Sample, officers can:

- use a sterile cotton swab, swab inside of the cheek, swabbing both sides of the inner cheek walls, capturing epithelial cells,
 - allow the swab to air dry completely,
 - place the swab into a porous container (e.g., paper envelope, cardboard box, etc.), and
 - package, seal, and label each container for processing.
-

Continued on next page

Collecting and Processing Evidence, Continued

Firearms and ammunition

A great deal of evidence may be obtained from firearms or ammunition associated with a crime. Because of this, the use of appropriate techniques when collecting and handling firearms related evidence is critical.

Related terms

To better understand the techniques required for proper collection of firearm related evidence, peace officers need to become familiar with the following terms.

A **semiautomatic pistol** is a handgun that features a **magazine** which holds cartridges that self-load automatically into the firing chamber of the weapon. A **revolver** is a handgun equipped with a revolving **cylinder** that can contain several cartridges and can be fired repeatedly without being reloaded until the cylinder is empty.

A **cartridge** is a self-contained unit which includes a projectile and propellant capable of firing the projectile through the barrel of a handgun. A **bullet** is the projectile that is expelled from the cartridge. A single cartridge is also called a **round**.

A **cartridge case** is an empty container left after the round has been fired.

A **shotgun** is a smooth-bored firearm designed to be fired from the shoulder. Shotguns are primarily intended for firing multiple projectiles at one time.

A **rifle** is a gun with spiral grooves cut into the inner surface of the barrel. Some rifles may have a smooth-bored barrel.

A single cartridge used in a shotgun is referred to as a **shotgun shell**. Rather than a single projectile, a shotgun shell contains a number of small round projectiles referred to as **shot**. The projectiles that are contained in the shell are often referred to as the load.

NOTE: Some states have granted the authority to collect samples for DNA testing from individuals who have been arrested, but not yet convicted of certain specified violent crimes.

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Collecting and Processing Evidence, Continued

Evidentiary value

Several types of physical evidence can be related to the discharge of ammunition from a firearm. The following table provides some examples of the types of information that may be obtained.

The recovery of...	may lead to...
a spent bullet or cartridge case	<ul style="list-style-type: none"> • identification of the type, manufacturer and condition of the firearm from which it was fired. • determination of the position of the shooter at the time the weapon was fired. • identification from the fingerprints of the individual who has loaded the firearm. • identification of the exact firearm from which it was fired from microscopic markings left by that firearm's barrel, striker pin, ejector, or other internal components. • linking of crime scenes using data from expended cartridge cases through the National Integrated Ballistic Information Network (NIBIN).
a firearm	<ul style="list-style-type: none"> • evidence regarding whether or not it had been recently fired. • fingerprints or DNA leading to the identification of an individual who has loaded the firearm. • serial numbers leading to identification of ownership of the firearm. • markings within the barrel, on the striker pin, or other internal components that could be matched with markings on a particular bullet or cartridge case. • matching unspent ammunition with spent bullets or expelled cartridge cases.
Gun shot residue on a person's hand(s) or clothing	<ul style="list-style-type: none"> • evidence that the individual may have discharged a firearm or handled a discharged firearm. • An estimate of the distance from a fired weapon to an individual, surface area or article of clothing.

Continued on next page

Collecting and Processing Evidence, Continued

Collection of firearms

When a firearm is discovered at a crime scene, specific steps should be taken to ensure that potential evidence is not damaged or destroyed. The following table identifies guidelines for this process.

Basic Steps	General Guidelines
Take all appropriate safety precautions.	<ul style="list-style-type: none">• Treat all firearms as if they are loaded.• Ask for assistance from someone more knowledgeable when dealing with an unfamiliar type of firearm.• Comply with all local agency safety rules and guidelines.• Be aware of evidence contamination by the officer, fingerprint, or DNA.
Document location and general appearance of the firearm.	<ul style="list-style-type: none">• When appropriate, <i>before</i> touching any firearm, take photographs, and draw sketches.• Make notations in field notes regarding the:<ul style="list-style-type: none">- exact location of the firearm relative to fixed reference point(s) at the scene.- physical appearance of the firearm.

Continued on next page

Collecting and Processing Evidence, Continued

Firearm evidence collection

Basic Steps	Guidelines
Pick up the firearm carefully	<ul style="list-style-type: none"> • Handle the firearm as little as possible. • Handle in such a way as not to destroy latent fingerprints or touch DNA that may be present. <ul style="list-style-type: none"> - Lift the firearm by grasping a textured surface (i.e., handle grip) where fingerprints are not likely to be recoverable. • <i>Never</i> attempt to lift a firearm by placing something (i.e., pencil, pen) inside the firearm's barrel, or through the trigger guard. • Always keep the firearm pointed in the safest possible direction. • Always keep fingers or any other objects away from the trigger. <p>NOTE: Due to the sensitivity of firearms DNA analysis, DNA profiles may be developed from firearms, they should be handled while wearing fresh latex gloves.</p>
Conduct an initial examination of the firearm to determine if the firearm is loaded.	<ul style="list-style-type: none"> • Note whether or not the safety is on and the hammer is cocked. • Make a record in field notes regarding: <ul style="list-style-type: none"> - the position of safety, hammer, slide or bolt, etc. - location and number of unspent rounds in cylinder/magazine. (For revolvers, note whether rounds have been fired and their location within the cylinder.)

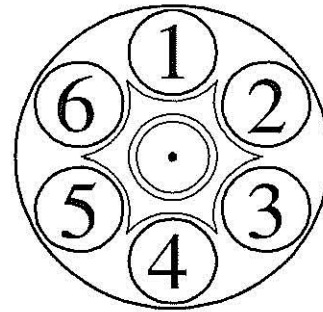
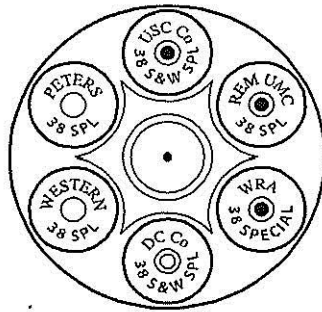
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Collecting and Processing Evidence, Continued

**Facing
rear of
cylinder**

Appearance of cylinder as
recovered

Diagram to be made by officer
recovering weapon



EXAMPLE NOTES

<u>Chamber Position</u>	<u>Condition</u>	<u>Cartridge Headstamp</u>
1	Fired	U.S.C. Co.
2	Fired	REM-UMC
3	Fired	WRA
4	Misfired	D.C. Co.
5	Loaded	WESTERN
6	Loaded	PETERS

Continued on next page

Collecting and Processing Evidence, Continued

Firearm evidence collection (continued)

Basic Steps	Guidelines
Render the firearm safe.	<ul style="list-style-type: none"> • If the firearm is loaded, have an officer who is qualified to handle that type of weapon render the firearm safe. • Use care to collect any unspent cartridges. • If a firearm cannot be rendered safe because of rust, damage, or for any other reason, officers should refer to their specific agency policies and procedures before taking further action. <p>NOTE: Additional information regarding the appropriate actions for rendering firearms safe can be located in LD 35: <i>Firearms/Chemical Agents</i>.</p>
Conduct a more thorough examination of the firearm.	<ul style="list-style-type: none"> • Use care not to harm possible fingerprints or touch DNA left on the firearm. • Note the make, model, serial number, manufacturer, caliber, barrel length, and finish of the firearm. Older rifles and shotguns may not have serial numbers. If this is the case, officers should note the lack of a serial number in their notes and report. • Check for the presence or absence of stains, dust, or any trace evidence. • Make a detailed sketch in field notes indicating the location of any trace evidence that is found on the firearm. • Record all observations in field notes.

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Collecting and Processing Evidence, Continued

**Firearm
evidence
collection
(continued)**

Basic Steps	Guidelines
Collect and process the firearm per specific agency policies and procedures.	<ul style="list-style-type: none">• Carefully package, seal, and label firearm appropriately.• Comply with all agency policies and guidelines regarding the further disposition of the collected firearm.• If necessary, use appropriate techniques to process for latent fingerprints that may be present on the firearm.
Document collection process in field notes and investigative report.	<ul style="list-style-type: none">• Document all items collected.• Document who rendered the firearm safe.• Identify manner in which firearm was packaged and processed.

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Collecting and Processing Evidence, Continued

Collection of unspent ammunition from a firearm

Live cartridges found in revolvers or semiautomatic pistols can contain latent fingerprints or touch DNA of the person who loaded the weapon. Their position within the firearm, chamber, or magazine can also provide important information for investigating officers. For this reason, firearms and unspent rounds should be handled in such a way as not to destroy latent fingerprints or DNA that may be present.

The following table presents guidelines for preserving evidence associated with unfired ammunition found within a handgun.

Basic Steps	Revolvers	Semiautomatic Pistols
Examine and document condition and location of ammunition within the firearm.	<ul style="list-style-type: none">• Follow all fundamental rules of firearms safety.• Open cylinder.• Identify and document the position and condition (loaded, empty, fired) of every chamber.	<ul style="list-style-type: none">• Follow all fundamental rules of firearms safety.• Note the position of a control feature (e.g., safety, cocking indicator, selector, etc.).• Carefully release and remove magazine.• Identify and document the position and condition of rounds within the magazine.
Remove unspent cartridges/magazine from firearm.	<ul style="list-style-type: none">• Carefully remove cartridges one at a time from cylinder.	<ul style="list-style-type: none">• Eject any cartridge that may still be in the pistol's chamber.• Lock slide to the rear (open).• Visually and physically verify that there is no round in the chamber.

Continued on next page

Collecting and Processing Evidence, Continued

Collection of unspent ammunition from a firearm
(continued)

Basic Steps	Revolvers	Semiautomatic Pistols
<p>Package and preserve each cartridge/magazine separately.</p>	<ul style="list-style-type: none"> • Do not apply any marks directly to bullet or cartridge. • Package each extracted cartridge in appropriate <i>separate packaging</i>. • Label each container with the same number as the chamber from which the cartridge was removed. • Package firearm separately. • Seal, label, and dispose of evidence according to agency policy or procedures. • Document all items collected and packaged in field notes and investigative report. 	<ul style="list-style-type: none"> • Document the ejection of any cartridge in field notes. • Process magazine for latent fingerprints. • Do not to remove unspent cartridges from magazine. • Package magazine, and any extracted rounds in appropriate separate containers. • Seal, label, and secure evidence according to agency policy or procedures. • Document all items collected and packaged in field notes and investigative report.

Continued on next page

Collecting and Processing Evidence, Continued

Collection of unspent ammunition from a firearm (continued)

Basic Steps	Revolvers	Semiautomatic Pistols
Document collection process in field notes and investigative report.	<ul style="list-style-type: none">• Document all items collected.• Identify manner in which cartridges/magazine was packaged and processed.	

NOTE: If a firearm appears to be jammed, officers should not attempt to clear the jam. Instead, they should comply with agency policy or guidelines regarding such situations.

Spent bullets and casings

Unique microscopic striation markings are created when the bullet is fired or the case is expelled from the firearm. When compared with the markings on a known firearm, such markings may provide conclusive evidence that the spent ammunition was fired from a single weapon to the exclusion of all other weapons.

Examples of markings on bullets and/or cases include, but are not limited to:

- striation marks on the cartridge case created by the firing pin,
 - extractor and ejector marks,
 - marks left by the lips of the magazine, or
 - striation marks or scratches on the bullet created as it was fired through the barrel.
-

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Collecting and Processing Evidence, Continued

Spent shotgun ammunition

A shotgun shell can contain a number of projectiles (i.e., shot). Expelled shotgun projectiles *cannot* be traced to a specific weapon. A spent bullet or cartridge case can be traced to a certain weapon. The ejected shotgun shells can lead to evidence regarding characteristics or bore size (**gauge**) of the type of shotgun used.

Shotgun shells also contain material used to separate the shot pellets from the powder charge (gun powder) within the shell. This material, usually made of cardboard, felt, or plastic, is the **shot wad**. The wad is expelled through the barrel behind the shot pellets.

Collecting expelled wad at a crime scene can aid in determining the gauge of the firearm and possibly the manufacturer of the ammunition. It can also help identify the location of the shooter when the weapon was fired.

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Collecting and Processing Evidence, Continued

Collecting spent ammunition

Special care is required when recovering and handling spent ammunition from a crime scene. The following table identifies general guidelines to follow in order not to damage or contaminate any evidence.

Basic Steps	General Guidelines
Identify and document	<ul style="list-style-type: none">• Locate and record as notes and sketches in field notes, and photograph the exact location and position of each bullet, cartridge case, or shot wad found.
Collect	<ul style="list-style-type: none">• Pick up items carefully while wearing disposable gloves.• If an item is embedded in hard material, (i.e., wood, plaster, etc.), it should not be removed from that material. Instead, if possible:<ul style="list-style-type: none">- the entire object containing the embedded item should be collected as evidence, or- some of the material surrounding the item should be removed with the item. (Also collect a control sample of the material for comparison purposes.)
Package and preserve	<ul style="list-style-type: none">• Do not place any markings on expended bullets or cartridge cases.• Individually wrap each item separately in tissue, soft cotton, or paper padding and place it in separate containers or envelopes.• Appropriately seal and label each container and note the location where the item was found.

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Collecting and Processing Evidence, Continued

Gunshot residue

Whenever a firearm is discharged, particles of unburned powder and gases are blown through openings in the firearm's cylinder, ejection port, or through the barrel itself. Such residue is made up of the elements barium, lead, and antimony and is not visible by the naked eye.

Trace residue of this material may be left on the palm area and back of the shooter's hand(s) and between the web of the fingers. The actual amount of residue deposited can vary depending on the type of firearm and ammunition used, and the conditions when the firearm was discharged.

Precautions

Gunshot residue (GSR) on the skin is an especially transient form of microscopic trace evidence. For successful lab analysis and identification, samples should be collected from the person's hands *as soon as possible*. To help preserve gunshot residue evidence, the individual's hands can be protected with paper bags.

To avoid the possibility of loss or transfer of residue material, officers **should not**:

- allow anyone or anything to have physical contact with the person's hands,
- place hands inside pants pockets or jacket pockets
- let the person wash his or her hands, or
- fingerprint the person prior to taking samples.

NOTE: Unless officer safety issues demand otherwise, a person should not be handcuffed until after gunshot residue samples have been collected.

NOTE: Long sleeve clothing such as jackets and shirts may also contain gun shot residue and should be considered during the investigation.

NOTE: If the gun residue test is not going to be administered in the field the individuals' hands should be covered with paper bags as soon as possible to preserve evidence.

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Collecting and Processing Evidence, Continued

Hairs and fibers

The location of hairs or fibers at a crime scene may indicate some form of contact between a person and the point of entry, an object, or the victim.

Hairs

Hairs collected at a crime scene cannot be used to identify a particular individual (with the exception of DNA analysis), but they may be used to eliminate or identify general characteristics of individuals (e.g., color, whether the hair is natural, bleached, or tinted, length, fine or coarse texture, synthetic, etc.).

DNA identification of an individual can occur when hair analysis is conducted.

Example: Hairs embedded in the windshield on the driver's side may assist officers in determining who was driving the vehicle at the time of impact.

Fibers

Criminal activity often involves some type of direct contact between a person and some object (e.g., point of entry). During this contact, evidence may be transferred from the person to the object. Air currents may also transfer fibers to other areas.

Most fiber can be classified in the laboratory as:

- animal (e.g., wool, etc.),
- plant fiber (e.g., cotton, linen, etc.), or
- synthetic (e.g., nylon, polyester, rayon, etc.).

Matching the fibers with control/known standards taken from a crime scene or from a person can aid in linking a fiber with an object, location, or person.

DNA can identify people and can be used to assist in placing suspect(s), witness(es), and victim(s) at a crime scene.

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Collecting and Processing Evidence, Continued

Protecting trace and transfer evidence

Because of its size and delicate nature, trace and transfer evidence such as hairs and fibers can be easily lost, damaged, or destroyed at the crime scene and while being transported. The following table identifies precautions officers should be aware of when handling either form of evidence.

Officers should...	Officers should not...
<ul style="list-style-type: none">• control access to a crime scene.• close windows or shield areas which may contain hairs and fibers, to protect from wind, movement, moisture, etc.• avoid cross-contamination between fiber samples and control/known standards.• select packaging containers that will protect the evidence and allow laboratory technicians to easily locate the evidence within the package.• document in field notes any actions taken to protect hairs and fibers.	<ul style="list-style-type: none">• fold or bend hairs or fibers when handling or packaging them.• seal packages containing wet hair or fibers until they have air dried.• place hairs or scrape fibers directly into an envelope. (Samples can easily fall out of unsealed corners.)• place hairs or scrape fibers directly into a plastic bag. (Static electricity may cause fibers to stick to the interior of the bag.)

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Collecting and Processing Evidence, Continued

Collecting hairs and fibers

Officers must be extra cautious when collecting strands of hair or fibers from a crime scene. The following table identifies guidelines for this process.

Basic Steps	General Guidelines
Document location and appearance of hairs/fibers.	<ul style="list-style-type: none">• Photograph the hairs or fibers in the location found.• Describe and draw sketches within field notes of the exact location on the object or area within the crime scene.
Collect individual hairs/fibers using appropriate techniques.	<ul style="list-style-type: none">• If visible and firmly attached to an object (e.g., clothing, pillow, etc):<ul style="list-style-type: none">- Leave hairs or fibers intact and collect the entire object.- Handle the object carefully and as little as possible to avoid disturbing any other trace or transferred evidence that may be on the item.- If necessary, air dry the article being sure to protect it from air currents that may disturb hairs/fibers.
Tape lifts of hair and fiber evidence	<ul style="list-style-type: none">• If loosely attached, or attached to an object or surface, carefully remove each hair or fiber with gloved hands or tape lifts.

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Collecting and Processing Evidence, Continued

Collecting hairs and fibers (continued)

Basic Steps	General Guidelines
Package and process each item separately.	<ul style="list-style-type: none"> • Select packaging that will properly protect the trace evidence. <ul style="list-style-type: none"> - Package collected objects so that hairs or fibers will not become dislodged during transportation. - Package individual hairs by carefully placing them into a bindle. (Be sure not to bend or fold the hair when forming the bindle.) • Seal and label each container. • Process the evidence according to specific agency policy and procedures.
Document the collection process in field notes and investigative report.	<ul style="list-style-type: none"> • Document all items collected. • Identify manner in which each hair/fiber sample was packaged and processed.

Collecting control/ known standard

For comparison purposes control/known standard samples of hair should be collected from sources associated with the crime (e.g., people, victims, carpet, items of clothing, etc.). Control/known standards should be collected as soon as possible. Individuals can easily change their hair color, length, etc. over time. Known standards must be collected lawfully

Do not cut samples of hair from the individual. Hair should be **pulled out** in order to obtain the hair's root.

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Collecting and Processing Evidence, Continued

Collecting control/known standard
(continued)

The following table identifies general guidelines for collecting control/known standards from individuals.

	General Guidelines
Head/scalp hair	<ul style="list-style-type: none"> • Use a new, unused plastic comb to <i>briskly</i> back comb all parts of the individual's scalp including: <ul style="list-style-type: none"> - left and right temples, - crown, and - base of the neck. • A minimum of 15-20 hairs should be collected from each area of the scalp. • If hairs vary in color, obtain samples of all colors. • Seal and label noting any additional information such as the individual's: <ul style="list-style-type: none"> - general overall hair color, - age, and/or - signs of hair treatment (dying, highlighting, bleaching, etc.).
Body hair	<ul style="list-style-type: none"> • Collect 15-20 hairs from other parts of the body such as: <ul style="list-style-type: none"> - face (if applicable), - pubic area, - chest, or - underarm. • If hairs vary in color, obtain samples of all colors.

NOTE: Depending on specific agency policy and guidelines, control/known standard involving head/scalp or body hair may be collected by medical personnel rather than peace officers.

NOTE: Under certain circumstances, it may be necessary to collect a known sample of a known standard from animals (e.g., family pets) that may have been at the crime scene.

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Collecting and Processing Evidence, Continued

Fingernail swabbing, scraping, and evidence collection

If a crime has involved a physical encounter, material may have been transferred beneath the victim's or individual's fingernails. This material may be useful as evidence connecting an individual to a crime.

Until fingernail swabbing and scrapings can be taken, the individual's hands should be enclosed by a paper bag and taped closed at the individual's wrist to preserve any at-risk evidence. The following table identifies guidelines for collecting evidence from the fingernail of an individual.

	General Guidelines
Fingernail swabbing and scrapings	<ul style="list-style-type: none">• Collect scraping from each finger on a separate piece of paper. If swabs are taken, use a clean, sterile swab to collect the material; document the area and package separately.• Carefully fold the paper into a bundle.• Label each bundle as to the finger the scraping was taken from and place in a separate envelope.• Seal and label each envelope.• Process according to specific agency policy or crime laboratory procedures.• Document in field notes and investigative report.

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Collecting and Processing Evidence, Continued

Tool marks and tools

When a hard object, such as a metal tool, comes into contact with a softer object, and force is applied, an impression is left on the softer object. Comparing the tool marks left at the scene of a crime with the unique characteristics and imperfections of a particular tool, may provide conclusive evidence linking that tool to the crime.

Tool marks

A **tool mark** is an impression, scratch, gouge, cut, or striation/abrasion on an object that is the result of a tool forcibly coming into contact with the object.

There are three basic types of tool marks:

- Impressions (stamped indentations in the object),
 - Striation/abrasion marks (marks caused by the friction of the tool being forced across the object), and
 - Combination marks (including both impressions and striations/abrasions).
-

Continued on next page

Collecting and Processing Evidence, Continued

Identification and documentation

The most likely location for tool marks is at the point of any forced entry to a building, room, container, vehicle, etc.

Once located, all tool marks should be carefully documented. The following table identifies recommendations for documenting tool marks at a crime scene.

Documentation	Description
Over-all photographs	<ul style="list-style-type: none">• Depict the entire object that bears the tool mark.• Show the physical location and arrangement within the crime scene of the object bearing the mark.
Close-up photographs	<ul style="list-style-type: none">• Show the detail of the actual tool mark revealing the direction, depth and other characteristics.• Include an L-shaped scale/ruler in the photograph to show relative size. <p>NOTE: Close-up photographs are for identification and orientation purposes only. They are not used for actual comparisons.</p>
Written notes and sketches	<ul style="list-style-type: none">• Document within field notes the location and brief description of the marks.• Include sketches that accurately reflect the position of all marks in relation to fixed reference points (e.g., height from the floor, distance from window frame, etc.).

NOTE: Officers should not open, close, or otherwise handle doors or windows at a crime scene before first examining such areas for the existence of trace or transfer evidence or fingerprints.

Continued on next page

Collecting and Processing Evidence, Continued

Trace and transfer evidence

Tool marks themselves should be examined carefully for evidence, such as hair, fibers, small amounts of blood, paint chips, metal shavings, etc. All particles of evidence that loosely adhere to the tool mark should be removed and processed using techniques that are appropriate for each form of evidence.

Collecting tool marks

The technique used for collecting tool marks is dependent on the area and/or the item where the marks are located. If an object or section has been broken or detached by force, the entire item should be collected and processed as evidence. Often, tool marks will appear on items that are still attached to the original structure.

NOTE: **Do not** attempt to place a tool back into a tool mark to identify whether or not they match.

Continued on next page

Collecting and Processing Evidence, Continued

Collecting tool marks (continued)

The following table presents guidelines for collecting tool marks based on their location.

Possible Item/Area	Guidelines
Twisted door knob	<ul style="list-style-type: none">• Channel lock pliers, vise grips, or wrenches can be used to forcefully twist open door knobs. Such tools often leave friction/striation marks.• Mark the original position of the knob relative to the door (e.g., top).• Carefully remove the door knob from the door.• Gently cover the knob with soft paper to protect surfaces, then place in a strong wrapper.
Pried knob bolt	<ul style="list-style-type: none">• Screwdrivers can be used to pry open the bolt on a door knob, leaving friction/striation marks. (Screwdrivers can be used in similar ways to pry open windows.)• Remove the striker plate and screws as well as the door knob bolt, if possible.• Mark each item indicating the top and front of its position prior to removal.• Gently cover each item with soft paper to protect surfaces, then place each in a separate container.

Continued on next page

Collecting and Processing Evidence, Continued

Collecting tool marks (continued)

Item/Area	Guidelines
Metal window or door frames	<ul style="list-style-type: none"> • When merited by the severity of a crime, the entire window or door frame may need to be removed and processed as evidence. • Once removed, areas containing impression and/or friction/striation marks should be gently covered with soft paper. • Mark the frame indicating top and front as it was positioned prior to removal. • If marking is not possible, include a separate sketch. • Wrap the entire frame in strong paper. <p>NOTE: If an object is too large or heavy for complete removal, samples of metal may be removed from the object to be used as known reference standards.</p>
Wooden window or door frames	<ul style="list-style-type: none"> • Using a small saw, cut away the piece of frame containing the tool mark(s) and surrounding surface. • Mark the collected item as to position of the sample with the original frame. • If marking is not possible, include a separate sketch. • Gently cover the item with soft paper to protect surfaces, then place in a container. • Collect known reference standards of other pieces of wood and paint scrapings. Such standards may be used for comparisons with any wood or paint particles found on a suspected tool.

NOTE: There may be conditions where the collection of an item containing a tool mark is not practical. Under such conditions, casting material may be used to make a reverse impression of the area.

Continued on next page

Collecting and Processing Evidence, Continued

Tools

If the tool suspected of making the tool mark is located at the crime scene, special steps to preserve the tool for evidence processing should be followed to preserve evidence such as latent prints or DNA.

Markings left on suspected tools themselves may be fragile and easily damaged during transportation. Care should be given to preserve trace evidence through packaging or collect by tape lifting prior to packaging.

The following table identifies general guidelines for the collection and preservation of tools located at a crime scene.

Basic Steps	General Guidelines
Document the location and condition of the tool.	<ul style="list-style-type: none">• Photograph the tool in the location it was found.• Describe location and condition of the tool in notes.• Use sketches and diagrams if necessary.
Collect tool in a manner that preserves evidence.	<ul style="list-style-type: none">• After examining the item for trace and transfer evidence, secure any moving parts against movement (i.e., jaws of pliers, wrenches, etc.).• Wrap the jaws of pliers, wrenches, etc. separately with soft paper to protect surfaces.• Tape a paper bag over the tip of the tool to prevent loss or contamination of trace evidence. (If blood is found on the tool, follow procedures noted for the collection of biological fluids.)
Package and process each item separately.	<ul style="list-style-type: none">• Carefully wrap each tool in packaging bag or box.• Place each in an appropriate sized container (bag or box) to prevent movement.• Process the evidence according to specific agency policy or procedures.

Continued on next page

Collecting and Processing Evidence, Continued

Tools (continued)

Basic Steps	General Guidelines
Document the collection process in field notes and investigative reports.	<ul style="list-style-type: none"> Identify each tool that was collected, how it was collected, and how it was packaged and processed.

Alcohol

When alcohol is discovered at the scene of a crime, the courts may require that a sample of the alcohol be made available.

The following table identifies general guidelines for the collection of alcoholic beverages found at the scene of a crime.

	General Guidelines
Collection	<ul style="list-style-type: none"> If <i>open containers</i> of alcohol are found in a vehicle on the roadway: <ul style="list-style-type: none"> mark level of liquid in each container. fill a separate plastic container <i>to capacity</i> with samples of the contents from each open container. If it must be shown that alcoholic beverages have been <i>consumed by an individual</i>, have a qualified medical person draw a blood sample from the individual. (This process should be witnessed, preferably by the officer.)

Continued on next page

Collecting and Processing Evidence, Continued

Alcohol (continued)

	General Guidelines
Packaging	<ul style="list-style-type: none">• Package alcohol containers separately from other samples.• Vials of collected blood samples should be labeled and identify the person who drew the sample, the witness, and the date and time the sample was taken.• Place each vial of collected alcohol or blood in a separate container.

NOTE: For additional information regarding actions pertaining to alcohol, refer to LD 13: *ABC Laws*.

Bite marks

The following table identifies general guidelines for the collection and processing of bite marks found at the scene of a crime on victims, food, or other items at a crime scene.

	General Guidelines
Documentation	<ul style="list-style-type: none">• Photograph the area:<ul style="list-style-type: none">- with and without showing a scale within the photograph.• Photographs should be at a 90 degree or perpendicular angle to the bite mark.

Continued on next page

Collecting and Processing Evidence, Continued

Bite marks
(continued)

	General Guidelines
Collection	<ul style="list-style-type: none">• Collect any saliva near the bite mark by swabbing the area with a clean cotton swab moistened with distilled water.• Collect a control sample of the area adjacent to the bite mark by using another clean cotton gauze moistened with distilled water.• Allow all swabs to thoroughly air dry.
Packaging	<ul style="list-style-type: none">• Once “dried”, place swabs in separate paper envelopes labeled with victim name, collector, date, time.• If evidence cannot be immediately processed, it should be stored frozen. <p>NOTE: Bite marks found on food should be processed immediately.</p> <p>NOTE: Other instrumentalities of a crime scene could contain bite marks.</p>

Continued on next page

Collecting and Processing Evidence, Continued

Clothing

Items of clothing associated with a crime scene may contain both obvious (e.g., large blood stains) and hidden (e.g., fine paint particles) forms of evidence. General guidelines regarding the collection of clothing as evidence are noted in the following table.

	General Guidelines
Collection	<ul style="list-style-type: none">• Wear gloves when packaging clothing.• Avoid shaking, excessive folding, or unnecessary handling.• Do not disturb the contents of pockets, cuffs, hems, or pleats.• Place each clothing item in a clean paper bag.
	<ul style="list-style-type: none">• If clothing is being collected directly from a person:<ul style="list-style-type: none">- have the person stand on a large sheet of white paper.- ask the individual to remove clothing and shoes.- place each item in a separate paper bag.- provide the individual with a jail jump suit or other clothing to wear.- carefully fold up the paper.- place folded sheet of paper and items of clothing in separate clean paper bags.
	<ul style="list-style-type: none">• If clothing is dry:<ul style="list-style-type: none">- fold dry clothing as little as possible, keeping stained areas on top.- place each item in a separate clean paper bag.- if item cannot be immediately processed, freeze as soon as possible.

Continued on next page

Collecting and Processing Evidence, Continued

Clothing (continued)

	General Guidelines
Collection (continued)	<ul style="list-style-type: none"> • If clothing is wet, let the item air dry thoroughly, then follow the same procedures as for dry clothing.
	<ul style="list-style-type: none"> • If clothing has been obtained from a hospital: <ul style="list-style-type: none"> - remove each item from hospital container, dry if still wet and, once dry, repackage in separate clean paper bags.
Packaging	<ul style="list-style-type: none"> • Keep each person's clothing in separate containers. • Do not place clothing in plastic or airtight containers which may promote bacterial growth.

Cloth fragments

General guidelines regarding the collection of cloth fragments as evidence are noted in the following table.

	General Guidelines
Collection	<ul style="list-style-type: none"> • Collect small fragments using gloved hands or tape lifts. Avoid folding the item. • Collect large fragments by handling them as little as possible. • If fragment is wet, allow to air dry prior to packaging.
Packaging	<ul style="list-style-type: none"> • Package each fragment separately. • Place in clean paper bags.

Continued on next page

Collecting and Processing Evidence, Continued

Controlled substances and drug paraphernalia

Officers may encounter numerous types of controlled substances and drug paraphernalia at a crime scene. Responding officers should be aware that drugs can come in many different colors, sizes, and forms such as powders, liquids, pills, or capsules.

Depending on specific agency policy, officers may be equipped with **presumptive narcotic field testing kits**. Use of such kits can help officers determine if a drug is present and make a preliminary identification of the type of drug found. The immediate results obtained from presumptive field tests can provide sufficient probable cause for an arrest. Although, all results must be confirmed by a forensic laboratory before evidence can be admissible in court.

NOTE: Officer safety must be a priority when handling evidence involving controlled substances, drug paraphernalia, or when investigating clandestine laboratories.

NOTE: For additional information regarding narcotics, other drugs, and drug paraphernalia, refer to LD 12: *Controlled Substances*.

Continued on next page

Collecting and Processing Evidence, Continued

Controlled substances and drug paraphernalia (continued)

The following table identifies general guidelines for the collection of controlled substances and drug paraphernalia at a crime scene.

Collection	General Guidelines
	<ul style="list-style-type: none"> • Wear latex gloves and masks. • Special care should be taken when handling drug paraphernalia to avoid possible transfer of infectious diseases. • Handle any original packaging with care so possible trace evidence and latent fingerprints will not be destroyed or damaged.
	<ul style="list-style-type: none"> • For PCP: <ul style="list-style-type: none"> - Handle with extreme caution. PCP can be extremely volatile. - Place the amount found on each person, or in each area, in a separate clean glass vial with a lid. - Seal each vial in a heat sealed plastic bag. - Place sealed envelope into a second heat sealed plastic bag and seal.
	<ul style="list-style-type: none"> • For most other drugs: <ul style="list-style-type: none"> - Place the amount found on each person, or in each area, in a separate container. - <i>Do not</i> place marijuana in any airtight container.
	<ul style="list-style-type: none"> • For syringes and other drug paraphernalia: <ul style="list-style-type: none"> - Place each in puncture resistant containers. - Place a warning label on the face of the evidence envelope.

NOTE: Some drugs, such as PCP, can be absorbed through skin; Fentanyl particles, if disturbed, can be accidentally inhaled; if Fentanyl is suspected, exit the scene and contact Fire Department and Hazardous Materials Unit.

Continued on next page

Collecting and Processing Evidence, Continued

Controlled substances and drug paraphernalia
(continued)

	General Guidelines
Packaging	<ul style="list-style-type: none">• Place each item collected from each person in separate containers.• Cushion glass vials with packing material to prevent breakage.• Properly seal and label all containers. <p>NOTE: Do not use slang expressions or conclusive statements as to the contents when labeling containers and envelopes. The exact nature of each substance must be determined or confirmed by the laboratory.</p>

Continued on next page

Collecting and Processing Evidence, Continued

Documents

During a search of a crime scene, officers may discover documents that have bearing on the investigation of the crime. Laboratory examination of the technique used to create the document (handwritten, typed, etc.) as well as the paper and ink may provide information relating to identification, authenticity, and dating of the material.

The following table identifies general guidelines for the collection of documents from a crime scene.

	General Guidelines
Collection	<ul style="list-style-type: none">• Avoid any excessive handling or folding to guard against damage or alteration to possible latent fingerprints or impression marks (i.e., indentations left from writing on another document that has been placed on top of the document being collected).• If the original document was written using a typewriter or printed on a word processor or printer attached to a computer system, collect the entire instrument, storage devices, and paper that remains in the instrument.
Packaging	<ul style="list-style-type: none">• Label the envelope/plastic cover <i>before</i> placing the document inside (to protect document from officer labeling impression marks).• Place the document in the envelope/plastic cover.• Place the envelope/plastic cover between two sheets of stiff cardboard.• Wrap cardboard with paper or place in an appropriate container.

Continued on next page

Collecting and Processing Evidence, Continued

Documents
(continued)

	General Guidelines
Control/ Known Standards	<ul style="list-style-type: none"> • Obtain a control/known standard when possible. • Control/known standard samples may be in the form of: <ul style="list-style-type: none"> - other similar documents prepared by the person at a previous time or - documents prepared by the person at the request of an investigating officer. • When requesting a control/known standard involving <i>handwriting</i>: <ul style="list-style-type: none"> - simulate the original document as much as possible. (e.g., same type of paper, writing instrument, etc.) - <i>do not</i> show the original document to the person. - dictate the text to be written. - offer no suggestions regarding spelling, punctuation, style, or format. - remove the first sample from the person's sight and request a second be prepared. <p>NOTE: If it is not known whether the individual is left or right handed, the officer may wish to request that a sample be written using each hand.</p>

Continued on next page

Collecting and Processing Evidence, Continued

Glass

By examining and analyzing glass fragments from a crime scene, it may be possible to determine a point of impact, direction and angle of impact, number and order of bullets fired through the glass, or source and origin of the glass. Trace and transfer evidence (e.g., latent fingerprints) may also be present. Examples of the different types of glass that may be found at a crime scene include, but are not limited to:

- window glass,
- plate glass (usually used for store fronts),
- tempered glass (e.g., shower doors, storm doors, vehicle side windows, etc.),
- safety glass, (vehicle windshield)
- glass bottles, or
- colored or clear lenses (e.g., glasses, camera lenses, headlight lenses, watch crystals, etc.).

All broken glass should be handled carefully to protect any transfer biological evidence, touch DNA, or suspect blood from the break and avoid cuts or injury to collector, further breakage, contamination, or damage to any existing latent fingerprints. The following table identifies general guidelines for the collection of glass and glass fragments at a crime scene.

Continued on next page

Collecting and Processing Evidence, Continued

Glass (continued)

	General Guidelines
Documentation	<ul style="list-style-type: none">• If a window has been shattered (e.g., bullet holes, tools, bricks, spark plug piece), photograph the fracture patterns.
Collection	<ul style="list-style-type: none">• Carefully examine glass fragments for blood evidence and preserve for fingerprint or trace evidence processing.
	<ul style="list-style-type: none">• If the direction of force is in question, collect all glass fragments.• If direction of force is not a concern, collect only one sample of glass from each broken object.
Packaging	<ul style="list-style-type: none">• Package glass found inside separately from glass found outside.
	<ul style="list-style-type: none">• Place fragments into an appropriate container.

Impressions (shoe, feet, tire, etc.)

Shoes, feet, or tire treads may leave impressions on soft surfaces such as soil, mud, snow, etc. Impressions may also be found on hard surfaces such as floors, glass, paper, or doors. By comparing crime scene impressions with features of a particular person's shoes, feet, or tires, it may be possible to implicate or eliminate an individual's involvement with a crime. Preserve shoe and tire impressions at the scene for photographs and casting of the impression.

Soft and hard surface impressions require different collection techniques. The selection of a specific technique and the actual collection should be done only by law enforcement personnel who have been trained to do so.

Continued on next page

Collecting and Processing Evidence, Continued

Money

Money that is found at the scene of a crime may be a valuable source of evidence. Depending on how it had been handled, money may be contaminated by trace evidence such as drug residue. Although rare, currency may also contain latent fingerprints. The following table identifies general guidelines for handling money from a crime scene.

	General Guidelines
Documentation	<ul style="list-style-type: none">• Officers should note the denominations and total amount of money collected in their field notes and investigative reports.
Collection	<ul style="list-style-type: none">• <i>Do not</i> place any marks on bills or coins. (Bills can be identified by serial number.)• If wet, allow bills to air dry prior to packaging.• Carefully place money in a special money envelope.• If trace or transfer evidence is on currency, handle each bill in the same manner as with other documents.
Packaging	<ul style="list-style-type: none">• Seal envelope and note the denominations and amount of money on the outside of the envelope.• All money (domestic and/or foreign) should be processed separately from all other forms of evidence and property.

NOTE: A witness signature should be required to verify the amount of money being submitted. Officers should comply with their agency's policy and procedures when processing money.

Continued on next page

Collecting and Processing Evidence, Continued

Paint

Paint is another form of physical evidence that can be found when investigating burglaries, vehicular hit-and-run crimes, or numerous other investigations. Paint can be found at a crime scene in the form of chips (from dry paint), smears (from wet paint), or a combination of both.

Although paint can be individualized, matches can be used to imply identifications based on the number of layers, color consistency, and composition. It may be possible to identify the manufacture and year of a vehicle from a collected paint sample.

The following table identifies general guidelines for collecting paint samples at a crime scene

	General Guidelines
Collection	<ul style="list-style-type: none">• Paint should be collected only after tool marks, trace evidence, latent fingerprints, etc. have been documented and collected.• If paint sample is small or difficult to remove, collect the entire object on which the paint appears, if possible.
	<ul style="list-style-type: none">• Flake paint chips off surface by bending the item slightly, if possible. Collect the flakes into one end of a clean paper bindle. (Flaking is most applicable with metal surfaces.)• Collect any appropriate paint chips that may be on the ground outside a point of entry or surrounding the scene of a vehicle collision.

Continued on next page

Collecting and Processing Evidence, Continued

Paint
(continued)

	General Guidelines
Collection (continued)	<ul style="list-style-type: none">• If flaking is not possible, use a clean bladed instrument to scrape paint from surface into one end of a clean paper bindle.• Include all layers of paint present, down to the original surface.• Use a separate clean blade for each sample collected.
Packaging	<ul style="list-style-type: none">• Seal and label each envelope. (If the paint is from a vehicle, include a description and the license plate number of the vehicle.)• Package and submit blade used with each evidence sample. (Mark evidence envelope as <i>hazardous</i> when sharp blade is included.)

Continued on next page

Collecting and Processing Evidence, Continued

Tape

Different types of tape (e.g., duct, electrical, adhesive, etc.) found at a crime scene may contain latent fingerprints, DNA, fibers, hairs, or other evidence associated with a crime and link a suspect to the tape.

The following table identifies general guidelines for the collection of tape at a crime scene.

Basic Steps	General Guidelines
Collection	<ul style="list-style-type: none">• Handle tape as little as possible.• Preserve the ends of the tape where the suspect might have touched to preserve for DNA and fingerprint processing.• Examine tape for the presence of trace or transfer evidence that may be adhering to the tape. If trace or transfer evidence is found, remove from the tape and package separately according to the guidelines appropriate for that particular form of evidence.• <i>Do not</i> crumple tape into a ball.• If tape is on a weapon or some other object (e.g., narcotics container), <i>do not</i> attempt to remove it. Collect the entire object as evidence.• Do not attempt to match torn or cut edges. Collect the entire roll as evidence.
Packaging	<ul style="list-style-type: none">• Do not place tape directly onto or into paper.• Place sample into a nonporous container (e.g., plastic, glass, wax paper)• Each sample should be placed in a separate container.• Label each container, then place the container into a paper bag, envelope, or cardboard box.• Seal and label outer packaging.

Chapter Synopsis

Learning need Peace officers must be aware of and comply with the general guidelines for the collection, packaging, and processing physical evidence found at a crime scene to ensure that each piece of evidence is admissible in a court of law.

Precautions
[30.02.1] Prior to beginning the actual collection process, officers should consider:

- photographing evidence.
- sketching the location and position of items of evidence.
- taking notes regarding the physical appearance of evidence to document the condition in which it was found.
- wearing appropriate clothing, such as disposable gloves, masks and nonrestrictive, noninterfering clothing.
- avoid officer contamination of evidence.

**Control/
known
standard**
[30.02.2] To establish a link between a piece of evidence and a person or a crime scene, the unique identity of the object must be shown to the exclusion of all other similar objects.

**Chain of
custody**
[30.02.4] A complete and accurate chain of custody record is absolutely essential in establishing the validity and integrity of evidence in court.

**Chain of
custody
record**
[30.02.5] The chain of custody begins when an item is first collected as evidence.

Continued on next page

Chapter Synopsis, Continued

Forms of fingerprints
[30.02.6]

Three types of fingerprints can be found at a crime scene. They include visible, plastic and latent.

General collection guidelines
[30.02.15]

Numerous other forms of evidence can be identified at any crime scene. Although specific techniques may differ, basic principles regarding the documentation, collection, and processing of evidence remain the same.

Developing latent fingerprints
[30.02.16]

Specialized technicians have a number of techniques which can be selected for developing a latent print. Each technique relies on an interaction between the perspiration or oil in the latent fingerprint and the chemical that has been applied.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring the appropriate text, you should be able to prepare a response.

Activity questions

1. Officers meet homeowners at the scene of a burglary. The homeowners tell officers that when they arrived home and turned on the lights, they heard a scuffle in the kitchen. When they entered, they found the back door open and their stereo, computer equipment, two small televisions, and a VCR on the kitchen table. They also report that someone has gone through all the drawers of the two dressers in their master bedroom. List all the locations where officers might search for latent fingerprints.

2. Describe step-by-step how an officer should safely collect and document a handgun discovered in a nightstand drawer at a crime scene.

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

3. Complete the chart below by filling in appropriate packaging containers and evidence.

Type of Evidence	Appropriate Packaging
blood or other biological fluids	
	paper bags
	glass vials
individual hair or fibers	
PCP	
money	
	plastic containers
marijuana	
cartridge cases	

4. List three common errors officers make in collecting and handling evidence. For each error, explain the possible consequences that could occur.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

7. Officers respond to an automobile accident in which a pedestrian was struck and killed. Officers find the driver slumped over the wheel and an open can of beer on the seat. The driver smells strongly of beer. List the types of evidence officers should attempt to collect and the purpose of each. For each piece of physical evidence listed, describe appropriate handling, packaging, and processing procedures.

Workbook Corrections

Suggested corrections to this workbook can be made by going to the POST website at: www.post.ca.gov

Workbook Corrections, Continued

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Supplemental Material

Graphic Illustrations

In this section Refer to the following table for specific reference documents included in this section.

Graphic Illustrations	See Page
Sources of Investigative Information	S-2

Sources of Investigative Information

Introduction

In the course of an investigation, officers must recognize and use all possible sources of information available to them. Worthwhile information may be obtained from:

- informants, and/or
 - written documents and reference materials.
-

Motivation

Officers who use information supplied by an informant need to be aware of why that person is willing to offer information. Possible motives include, but are not limited to:

- civic responsibility or feeling of duty,
 - desire for monetary compensation for furnishing information,
 - desire to gain present or future law enforcement favor,
 - fear of impending arrest,
 - fear of possible personal harm by a criminal element,
 - jealousy of one who will be affected by the information,
 - elimination of criminal competition, or
 - revenge against someone who may have taken advantage of them.
-

Written documents

Written documents can include private and public records and numerous other written sources.

There are a number of private organizations and businesses records capable of providing information. Most private organizations will cooperate with a request for information from law enforcement, if tactfully approached. Officers should assure the responsible party that the source will be kept confidential.

In the event the information is needed as evidence in a court of law, officers should seek a subpoena for the records rather than compromise any informant from within an organization.

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Sources of Investigative Information, Continued

Written documents and references

The following table presents a number of possible sources of private records that may provide valuable information. Officers should not limit themselves to only those noted in the table.

Source	Types of Information
Apartment housing and other housing projects	<ul style="list-style-type: none">• Record of present and former tenants• Possible forwarding addresses
Auto rental or leasing companies	<ul style="list-style-type: none">• Identity of persons leasing cars• Driver's license information• Make, model or car used• Mileage traveled
Banks and loan agencies	<ul style="list-style-type: none">• Records on bank accounts and deposits• Loan information• Credit record• In order to obtain this information, it may be necessary to get a search warrant (privacy interests seem to be increasing).
City directories and telephone directories	<ul style="list-style-type: none">• Names, addresses, telephone numbers• City directories generally list occupation• May alphabetically list all streets in the city with street numbers and with the identity of each building occupant• Usually list telephone numbers in sequence and the individual's identity

Continued on next page

Sources of Investigative Information, Continued

Written documents and references (continued)

Source	Types of Information
Commercial credit agencies	<ul style="list-style-type: none"> • Files on those who have applied for credit • Residence history of applicant • Employment history of applicant • Other charge accounts • Debts • Personal history
Dun and Bradstreet Ratings (99 Church St. New York, N.Y. 10007)	<ul style="list-style-type: none"> • Records on businesses including financial data credit and organizational data • Stock brokers, wholesale and retail dealers
Hotel association	<ul style="list-style-type: none"> • Files on bad checks, gamblers, and employees at hotels and motels • Security personnel may be able to furnish this information
Laundry and dry cleaning businesses	<ul style="list-style-type: none"> • Many have their own markings • Records on when services were rendered <ul style="list-style-type: none"> - Names - Addresses
Lawyers' directory	<ul style="list-style-type: none"> • Arranged by city and state • Lawyers in United States by name and background data
Macrame's Blue Book	<ul style="list-style-type: none"> • Source for all manufactures of industrial equipment, products, and materials • List of manufacturers in alphabetical order by company name, product classification and trade name

Continued on next page

Sources of Investigative Information, Continued

Written documents and references (continued)

Source	Types of Information
Military registers (Army, Air Force, Navy and Marine)	<ul style="list-style-type: none"> • Name, serial number, date of birth, date of rank • Commissioned and warrant officers only
Moving companies	<ul style="list-style-type: none"> • Person moving or storing furniture • Destinations, dates, and addresses
National Association of Life Underwriter (11 West 42nd ST., New York, N.Y.)	<ul style="list-style-type: none"> • Insurance company clearinghouse • General biographical data on all persons who have had life insurance policies
National Board of Fire Underwriters	<ul style="list-style-type: none"> • General information on persons who have or have had a fire insurance policy
Newspapers	<ul style="list-style-type: none"> • Back issues
Poor's Register of Corporations, Directors and Executives	<ul style="list-style-type: none"> • Available in public libraries • Gives listing of executives, corporations, firms, products • Approximately 30,000 listings
Public utilities	<ul style="list-style-type: none"> • Maintain application for service • Often, records are kept by name • Usually have record of person who had service previously at the same address • Companies may have a special agent's office which can offer assistance

Continued on next page

Sources of Investigative Information, Continued

Written documents and references (continued)

Source	Types of Information
Real estate companies	<ul style="list-style-type: none">• Records of residents and former tenants of rental property• Records of buyers and sellers of property
School and college records	<ul style="list-style-type: none">• Biographical data• Sample handwriting and student signature• Educational achievements• School yearbooks<ul style="list-style-type: none">- Names- Activities- Pictures
Taxicab companies	<ul style="list-style-type: none">• Records of trips kept by drivers on each customer• List time, date, location from and destination
Travel agency and other transportation companies	<ul style="list-style-type: none">• Names, addresses of passengers• Dates of ticket purchase• Dates of travel• Points of disembarkment• Hotel accommodations• Itineraries

Glossary

Introduction **The following glossary terms apply only to Learning Domain 30: Crime Scene, Evidence, and Forensics.**

Automated Fingerprint Identification System (AFIS) Statewide file of full or partial rolled fingerprints collected from known individuals; can be referred to compare with fingerprints from unknown source collected at a crime scene

bindle A sheet of paper folded several times to create a holder resembling an envelope.

biological fluids Human bodily fluid such as blood, semen, vaginal secretions, saliva, perspiration, etc.

bullet A projectile that is expelled from a cartridge

cartridge A self-contained unit which includes a projectile and propellant capable of firing the projectile through the barrel of a firearm

cartridge case An empty container left after cartridge has been fired

chain of custody The written, witnessed, unbroken record of all individuals who maintained control or had access to any physical evidence

control standard A piece of evidence that can be used to demonstrate a normal condition of a surface or object

Continued on next page

Glossary, Continued

corpus delicti

The established body or elements of a crime

coroner

A public official who investigates by inquest any death not due to natural causes

crime scene diagram

A measured drawing showing the location of all important items, particularly items of physical evidence; shows layout of the entire scene, measured locations within the crime scene of each piece of evidence, locations of significant features of the scene, and spatial relationship between items

crime scene search

A planned, systematic, coordinated effort conducted for the purpose of locating physical evidence that a crime has taken place and to identify the individuals who committed the crime

crime scene sketch

A rough drawing created by an investigating officer at the crime scene; contains details and measurements that will be used when the final accurate diagram is later drawn

criminal investigation

A systematic approach to the establishment of a criminal violation, identification and arrest of a suspect, and gathering of evidence for presentation in a court of law

custodial arrest

An arrest in which the suspect will be transported to a law enforcement facility such as a station, jail, or detox center

cylinder

Round device found on a revolver which contains a series of chambers; rotates to place each chamber, holding a single cartridge, into a firing position

Continued on next page

Glossary, Continued

**Deoxyribo-
nucleic Acid
(DNA)**

A substance found in the chromosomes in the nucleus of human cells that provides genetic coding information unique to every person

fingerprint

A copy or impression of the ridges and valleys present on the outermost layer of human skin; these ridges and valleys can be found on the tips of fingers, length and sides of fingers, palms, feet, and toes

**forensic
pathologist**

Doctor of pathology as it relates to the courts

gauge

Measurement that refers to the bore size of a shotgun

**initial
survey**

The first sweep of a crime scene; allows responding officer(s) the opportunity to establish the kinds and amount of evidence that exists and the amount of time, equipment and personnel that will be required to process the scene

**inner
perimeter**

Designated area which contains specific evidence of a crime and is under the control of law enforcement officers

investigation

The systematic gathering of information from a variety of sources and the documentation of evidence, observations, and findings.

**known
standard**

An item of evidence which has a known source that can be used to compare with an item from an unknown source (also referred to as an exemplar)

**latent
fingerprint**

Impression left by secretions from perspiration or oils on the skin; *not* visible to the naked eye without special treatment or development

Continued on next page

Glossary, Continued

lifting The process of removing a developed latent fingerprint from the surface where it was found

magazine A container that holds cartridges and fits inside the magazine well of a semiautomatic pistol or rifle

manner of death A board classification of the cause of death

medical examiner coroner An appointed medical physician specializing in forensic pathology with the responsibility of investigating all sudden, unexplained, unnatural, or suspicious deaths; duties include conducting autopsies and assisting in law enforcement investigations

nonporous surface Any surface that does *not* absorb liquids or oils (e.g., plastic, glass, etc.)

outer perimeter Designated area which surrounds an inner perimeter and is used as a means of securing and controlling access to an inner perimeter

plastic fingerprint Impression left when a finger is pressed into a soft substance such as heavy grease, melted candle wax, soap, or window putty; does not require any treatment in order to be visible to the naked eye

porous surface Any surface that absorbs liquids or oils (e.g., cloth, unfinished wood)

Continued on next page

Glossary, Continued

preliminary investigation The initial phase of a criminal investigation which establishes whether a crime has been committed; begins when responding officer(s) arrive at the scene and culminates with the filing of an investigative report

Presumptive narcotic field testing kit Prepackaged kit containing the materials necessary for an officer at a crime scene to determine if a drug is present and make a preliminary identification of the type of drug found

probable cause When the totality of the circumstances causes a person of ordinary care and prudence to entertain an honest and strong suspicion that the person to be arrested is guilty of a crime

revolver Any handgun equipped with a revolving cylinder that can contain several cartridges and be fired repeatedly without being reloaded until the cylinder is empty

rifle A gun fired from the shoulder with spiral grooves cut into the inner surface of the barrel

rolling Collecting and recording of the fingerprints of a known individual

round A single cartridge

semiautomatic pistol Any handgun that features a magazine which holds cartridges that self-load automatically into the firing chamber of the weapon

shot Small round projectiles contained within a shotgun shell (also referred to as the load)

Continued on next page

Glossary, Continued

shotgun	A smooth-bored firearm designed to be fired from the shoulder with two hands; primarily intended to fire multiple projectiles
shotgun shell	A single cartridge used in a shotgun
shot wad	Material contained within a shotgun shell that separates the shot from the powder charge
tool mark	An impression, scratch, gouge, cut, or abrasion on an object that is the result of a tool forcibly coming into contact with the object
trace evidence	Any evidence that is very small; it usually cannot be seen with the naked eye without close scrutiny
transfer evidence	Any evidence that is easily transferred or passed when two objects touch
visible fingerprint	An impression left behind in blood, paint, or other similarly colored liquid that does not require any treatment in order to be visible to the naked eye

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Basic Course Workbook Series Student Materials

**Learning Domain 29
Traffic Collision Investigation
Version 3.1**

**Basic Course Workbook Series
Student Materials
Learning Domain 29
Traffic Accident Investigation
Version 3.1**

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Published 2000
Revised January 2006
Revised January 2008
Workbook Correction January 27, 2009

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THE ACADEMY TRAINING MISSION

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.

FOREWORD

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who contributed to the development of this workbook. The Commission extends its thanks to California law enforcement agency executives who offered personnel to participate in the development of these training materials.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides a self-study document for every learning domain in the Basic Course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. The objective of the system is to improve academy student learning and information retention.

The content of each workbook is organized into sequenced learning modules to meet requirements as prescribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this workbook will help you, the student, to successfully complete the Basic Course and to enjoy a safe and rewarding career as a peace officer serving the communities of California.

A handwritten signature in black ink, appearing to read 'Paul Cappitelli', with a stylized flourish at the end.

PAUL CAPPITELLI
Executive Director

LD 29: Traffic Accident Investigation

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Preface

Introduction

Student workbooks

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

Regular Basic Course training requirement

Completion of the Regular Basic Course is required, prior to exercising peace officer powers, as recognized in the California Penal Code and where the POST-required standard is the POST Regular Basic Course.

Student workbook elements

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points,
 - supplementary material, and
 - a glossary of terms used in this workbook.
-

How to Use the Student Workbook

Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. It is intended to be used in several ways: for initial learning prior to classroom attendance, for test preparation, and for remedial training.

Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the: Preface and How to Use the Workbook, which provide an overview of how the workbook fits into the POST Instructional System and how it should be used.
2	Refer to the Chapter Synopsis at the end of each chapter to review the key points that support the chapter objectives.
3	Read the text.
4	Complete the Workbook Learning Activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary for a definition of important terms. The terms appear throughout the text and are bolded and underlined the first time they appear (e.g., <u>term</u>).

Chapter 1

Vehicle Collisions

Overview

Learning need Peace officers need to know how to effectively manage traffic collision scenes to ensure their safety, the safety of others, and protect the integrity of the collision scene.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• discuss safety hazards that officers should be aware of when approaching the scene of a traffic collision.	29.01.EO6
<ul style="list-style-type: none">• demonstrate appropriate peace officer actions when managing a vehicle collision scene, including:<ul style="list-style-type: none">- caring for injured and involved parties, and- protecting the collision scene.- collecting and preserving evidence	29.01.EO7 29.01.EO8 29.01.EO9

Continued on next page

Vehicle Collision, Continued

In this chapter This chapter focuses on the roles and responsibilities of peace officers who are called to respond to traffic collisions. Refer to the chart below for specific topics.

Topic	See Page
Introduction to Vehicle Collisions	1-3
Collision Scene Management	1-8
Chapter Synopsis	1-15
Workbook Learning Activities	1-16

Introduction to Vehicle Collisions

Introduction

There is no single, all-inclusive definition of the word “collision” (i.e., accident). Generally, a **collision** is an unintended event that produces damage or injury (including fatal injury). A *vehicle* collision is any collision between at least one vehicle and anything else, whether man, beast, inanimate object, or another vehicle.

A motor vehicle **traffic collision** is any collision involving a motor vehicle in transport that occurs:

- on a highway, or
- after the vehicle has left the road but before that event has stabilized.

A motor vehicle **nontraffic collision** is any motor vehicle collision that occurs entirely at a place *other than a highway* (public or private).

NOTE: Although the terms “accident” and “collision” are often used interchangeably, “collision” is the state standard term when referring to any event involving motor vehicles.

In transport

For both traffic collisions and nontraffic collisions, the motor vehicle(s) involved must be *in transport*. **In transport** is the state or condition of a vehicle when it is in use primarily for moving persons or property, including the vehicle itself (e.g., a trailer being pulled), from one place to another.

A motor vehicle is considered *in transport* whenever:

- the vehicle is on a roadway, no matter if that vehicle is:
 - moving,
 - stopped, stalled,
 - disabled,
 - abandoned, *or*
-

Continued on next page

Introduction to Vehicle Collisions, Continued

In transport (continued)

- *any part* of the vehicle is on a roadway and might be struck by any other vehicle moving on the roadway as well, *or*
 - the vehicle is moving while:
 - in a designated parking area,
 - on a shoulder, or
 - off a highway.
-

Examples of vehicles in transport

Examples of vehicles considered to be *in transport* may include, but not be limited to, any vehicle:

- being driven on a street in a residential neighborhood.
- sitting on a roadway with the engine off, the hood up, and no driver.
- stopped at a traffic light.
- stopped on the shoulder of a road with the driver's door opened so that it extends out onto the roadway.
- backing out of a parking space in a public parking lot.
- moving slowly on a dirt road through a wooded area.

A vehicle would *not* be considered to be *in transport* if that vehicle:

- is sitting off the roadway on the shoulder of a road even with its engine running.
 - is stopped at the end of a private driveway while the driver waits for the traffic to clear in order to pull onto a roadway.
 - has been abandoned on a portion of a highway closed for construction.
-

Continued on next page

Introduction to Vehicle Collisions, Continued

Definitions of highways and roads

In order to investigate and document vehicle collisions accurately, officers must understand the legal definitions of the surfaces related to traffic flow.

A **highway** is a way or place of whatever nature (paved, gravel, etc.) that is publicly maintained and open to the use of the public for purposes of vehicular travel. A highway can include roadway(s), shoulders, and sidewalks. Based on the definition, a street is one type of highway. (*Vehicle Code Section 360*)

A **median** is the portion of a divided highway which separates the roadways from traffic moving in the opposite direction. For descriptive purposes, the median also includes any median shoulders. Some medians also have median barriers (steel rails, metal posts/wire, or concrete).

A **road** is that portion of a highway that includes the roadway and any shoulder alongside the roadway.

A **roadway** is that portion of a highway designed or ordinarily used for vehicular traffic (*Vehicle Code Section 530*). A highway can have more than one roadway. For example, a two lane highway separated by a median has two roadways.

A **shoulder** is the portion of the road next to the roadway used for accommodation of stopped vehicles, emergency stops, or lateral support of the roadway structure.

A **sidewalk** is the portion of a highway, other than the roadway, set apart by curbs, barriers, marking, or other delineation for pedestrian travel. (*Vehicle Code Section 555*)

NOTE: If a portion of a highway is closed to vehicular travel (e.g., construction or repair zones, closure due to collision investigations, etc.), that portion no longer meets the definition of a highway. If a collision should take place in the closed area, it would be considered a nontraffic collision.

Continued on next page

Introduction to Vehicle Collisions, Continued

Related terms

Peace officers should also become aware of the legal definitions of the following terms.

An **alley** is any highway having a roadway not exceeding 25 feet in width and which is primarily used for access to the rear or side entrances of abutting property. (*Vehicle Code Section 110*)

A **crosswalk** is any portion of a roadway distinctly indicated for pedestrian crossing. At intersections of two roads which meet at approximate right angles, crosswalks may or may not be marked. In such situations, the crosswalk is the area within the prolongations of sidewalk boundary lines from one side of the road to the other. When a crosswalk is not at an intersection, it is indicated by lines or other markings on the surface. (*Vehicle Code Section 275*)

An **intersection** is the point where two highways join one another at approximately right angles. An intersection can also include the area where two highways join at any other angle. (*Vehicle Code Section 365*)

An **interchange** is a system of interconnecting roadways that provide the *interchange* of traffic between two or more roadways that are at different levels.

Continued on next page

Introduction to Vehicle Collisions, Continued

Law enforcement responsibilities

When responding to a vehicle collision, peace officers have three key law enforcement responsibilities.

- **Manage the collision scene** in order to care for injured or involved parties and protect the collision scene to preserve potential evidence.
 - **Perform the investigative tasks** necessary to gather information and collect evidence regarding the collision.
 - **Document the collision** using a standardized reporting format.
-

Collision Scene Management

[29.01.EO6, 29.01.EO7, 29.01.EO8, 29.01.EO9]

Introduction

The initial responding peace officer must take control of the scene and is responsible for supervising all facets of the scene and collision investigation until officially relieved of those responsibilities.

Primary objectives

Peace officers must be aware of their primary objectives whenever they receive calls to respond to vehicle collisions.

- Get to the collision scene as quickly and safely as possible.
 - Develop a plan of action to establish priorities.
 - Identify and control scene safety hazards.
 - Determine if there are injured parties and render medical assistance if necessary.
 - Protect the collision scene.
 - Evaluate the need for and, if necessary, request additional assistance.
-

Responding to the call

The best route to the scene of a vehicle collision may not always be the shortest one. There are numerous factors that officers may consider, including:

- criticality of the situation based on:
 - location, type, and severity of the collision,
 - availability of other assisting units, etc.,
 - the officer's knowledge of the area,
 - distance from the officer's present location to the collision scene,
 - routes of other responding units,
 - geographic conditions (e.g., construction barriers, poor road conditions, densely populated area, residential area, etc.),
 - environmental conditions (e.g., weather),
 - time of day (e.g., level of traffic, lighting, etc.), and
 - specific agency policy.
-

Continued on next page

Collision Scene Management, Continued

Emergency response

Vehicle Code Section 21055 provides that, as drivers of authorized law enforcement vehicles, officers do not have to abide by certain traffic laws when they are driving under *authorized emergency conditions* (Code 3 with warning lights and siren as necessary and within agency policy).

Officers may:

- proceed through a red or stop signal or stop sign, *but only after slowing down or stopping as may be necessary for safe operation,*
- exceed the maximum speed limits *so long as they do not unnecessarily endanger life or property,* and
- disregard regulations governing direction of movement or turning in specified directions *as may be reasonable.*

NOTE: The exceptions granted under *Vehicle Code Section 21055* do not protect officers from criminal prosecution or their agencies from civil liability if the officers have or cause an accident due to their own ***reckless driving*** or ***wanton disregard for the safety of others.*** (*Vehicle Code Section 21056*)

NOTE: For additional information regarding emergency response driving and the operation of law enforcement vehicles under adverse conditions, refer to LD 19: *Vehicle Operations.*

Continued on next page

Collision Scene Management, Continued

Plan of action

From the time of notification and before arriving at the scene, responding officers should develop a *plan of action*.

Depending on the situation, a plan of action may include:

- obtaining as much information as possible as to the:
 - type and severity of the collision,
 - number of vehicles involved,
 - types of vehicles involved,
 - if there are injured parties, etc.
- considering the type and number of resources that may be needed at the scene.
- coordinating planned actions between the primary unit and other units in the area who may also be responding.
- obtaining information regarding traffic backups, roadway closures, etc. related to the collision.

Continued on next page

Collision Scene Management, Continued

Scene safety hazards

As officers approach the actual scene of a vehicle collision, they should be aware of and begin looking for indicators of potential safety hazards related to the vehicle collision. The following table identifies a number of indicators that officers should be aware of when approaching a collision scene.

Indicators	Examples
Fleeing vehicles/persons	<ul style="list-style-type: none"> • Drivers attempting to leave the scene of the collision (e.g., damaged vehicles, abandoned vehicles, persons fleeing on foot, etc.)
Existence of hazardous materials	<ul style="list-style-type: none"> • Tanker trucks or other vehicles bearing placards, signs, or other forms of identification • Fire, smoke, vapor clouds, odors • Visible leaks or damaged containers • Recreational vehicles with propane tanks <p>NOTE: For additional information regarding recognition of hazardous materials refer to LD 41: <i>Hazardous Materials</i>.</p>
Conditions related to the collision	<ul style="list-style-type: none"> • Electrical wires down • Ruptured gas lines, water mains • Indications that victims may be trapped • Moving traffic • Collision debris (e.g., glass, vehicle parts, etc.) • Other situations that could cause additional accidents

Continued on next page

Collision Scene Management, Continued

Positioning patrol vehicle

Upon arrival, officers should carefully position patrol vehicles in such a way as to:

- not block other emergency or patrol units arriving at the scene,
- protect officers, involved parties, and the scene itself from other traffic,
- best utilize emergency/hazard lights and warning signals on the patrol vehicle, and
- have necessary equipment that may be stored in the vehicle near the officers.

NOTE: Peace officers are responsible for being aware of and complying with their own agency's policies regarding the placement of patrol vehicles at collision scenes.

Injured persons

Once at the scene, it becomes the responsibility of the responding officer(s) to take necessary actions to *care for injured or involved parties*. In order to meet this responsibility, peace officers should:

- check for possible injuries that may not otherwise be obvious.
- identify the nature and extent of any injuries.
- administer first aid as necessary.
- determine if there are any trapped victims.
- request additional emergency medical or other specialized units if required.

NOTE: If fatalities are involved, officers should take appropriate steps to notify medical examiner/coroner's office.

NOTE: Pursuant to agency policy or procedures notify supervisor.

Continued on next page

Collision Scene Management, Continued

Collision scene protection

Along with caring for injured parties, peace officers are responsible for *protecting the collision scene* and preserving and collecting any potential physical evidence.

In order to meet this responsibility, officers may be required to:

- use appropriate equipment to isolate the area (e.g., cones, flares, crime scene tape, patrol vehicles, etc.).
- take necessary action(s) to maintain spectator control and safety as well as prevent interference with other responding units.
- direct traffic away from the area including establishing alternate traffic routes if necessary.
- evaluate the need for and request:
 - additional patrol units,
 - fire units,
 - hazmat units,
 - additional equipment (e.g., warning lights, traffic control devices etc.),
 - city/country utilities and highway crews, or
 - specialized traffic investigation units for fatal or serious collisions (per agency policy).

Continued on next page

Collision Scene Management, Continued

Vehicle tow away

If the collision results in property damage to at least one vehicle to the extent that the vehicle cannot be driven or simple repairs cannot be made at the scene, the responding officer will need to arrange to have the vehicle towed.

NOTE: A *simple repair* is one that can be made by a person who is generally lacking in knowledge or expertise in auto repairs (e.g., changing a tire, bending a fender away from a tire with a crowbar, etc.).

Peace officers responding to a vehicle collision have the authority to have vehicles or trailers towed from the scene when the:

- driver of the vehicle is incapacitated (due to physical injuries or illness) and is unable to provide for the vehicle's removal.
- driver of the vehicle is taken into custody for an alleged offense.
- vehicle is in an illegal condition due to the collision.

NOTE: Additional information regarding vehicle towing, storage, and impounds can be found in LD 28: *Traffic Enforcement*.

Removal of other obstacles

Obstacles and debris from a collision should be removed from the roadway after the investigation is complete and prior to the roadway being reopened. If special equipment will be required, officers should take appropriate action (i.e., notify dispatch) to request that appropriate resources and equipment be sent (e.g., public works, tow trucks, cranes, etc.).

NOTE: Tow trucks are required to be equipped with brooms and shovels to remove glass and debris from the roadway when a vehicle is removed. Tow trucks must also carry dirt and an absorbent material in order to absorb oil or grease from the roadway. (*Vehicle Code Section 27700*)

Chapter Synopsis

Learning need Peace officers need to know how to effectively manage traffic collision scenes to ensure their safety, the safety of others, and protect the integrity of the collision scene.

Scene safety hazards
[29.01.EO6] As officers approach the actual scene of a vehicle collision, they should be aware of and begin looking for indicators of potential safety hazards related to the vehicle collision.

Injured persons
[29.01.EO7] Once at the scene, it becomes the responsibility of the responding officer(s) to take necessary actions to *care for injured or involved parties*.

Collision scene protection
[29.01.EO8] Along with caring for injured parties, peace officers are responsible for *protecting the collision scene* and preserving any potential physical evidence.

Collecting and preserving evidence
[29.01.EO9] Along with caring for injured parties, peace officers are responsible for protecting the collision scene and preserving and collecting any potential physical evidence.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. Officers are called to the scene where a pick-up truck has hit a station wagon in a supermarket parking lot. The driver of the pick-up, who is later determined to be intoxicated, is injured in the collision. Is this a traffic collision or a nontraffic collision? Include your rationale for your answer. What are the responding officers' responsibilities in this situation?

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

2. Peace officers arrive on the scene of a vehicle collision that has occurred on a major six lane divided highway. One officer notes that the rear end of the front vehicle is partially obstructing the right lane and that the driver is still sitting in the car. This vehicle appears to have extensive damage in the rear. The other vehicle involved in the collision is on the shoulder behind the first. The driver of this vehicle exits the vehicle as officers arrive and approaches the patrol car. How should officers proceed? Give the rationale for your answers. What should their first responsibility be?

3. You are an officer who has just been alerted by dispatch of a three car collision with possible injuries. The collision is located approximately 1½ miles ahead of your current position. You are the closest unit to the scene but due to the collision, you are in the middle lane of a three lane bumper-to-bumper traffic back-up. How should you proceed? What should your primary objectives be now and what should those objectives be when you arrive at the scene?

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

4. What are a peace officer's responsibilities in a collision resulting in a fatality?

5. Officers arrive on the scene of a single vehicle collision involving a power pole. As they pull up, the driver is revving the engine in an attempt to back away from the pole. Responding officers can also hear the driver screaming in anger at the passenger. What potential hazards might be involved at this collision scene? How should the officers proceed? What precautions should be taken?

Workbook Corrections

Suggested corrections to this workbook can be made by going to the POST website at: www.post.ca.gov

Continued on next page

Workbook Corrections, Continued

Student notes

Chapter 2

Collision Investigations

Overview

Learning need To accurately determine the events and factors associated with a collision, peace officers must recognize the types, and importance of evidence likely to be available at a collision scene.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">distinguish between different types of physical evidence that may be located at a collision scene and recognize the type of information they may provide.	29.02.EO3
<ul style="list-style-type: none">distinguish between a skid mark and a tire impression.	29.02.EO4
<ul style="list-style-type: none">describe ways of linking a tire mark with a particular vehicle.	29.02.EO5
<ul style="list-style-type: none">classify the three causes of skid marks.	29.02.EO6
<ul style="list-style-type: none">describe the variables to consider when determining the order of taking measurements at a vehicle collision scene.	29.02.EO7
<ul style="list-style-type: none">determine appropriate reference points/lines to use when taking measurements at a vehicle collision scene.	29.02.EO8
<ul style="list-style-type: none">distinguish between primary collision factor and associated collision factor.	29.02.EO12

Continued on next page

Overview, Continued

In this chapter This chapter focuses on the information, evidence, and other factors officers should recognize and take into consideration when investigating vehicle collisions. Refer to the chart below for specific topics.

Topic	See Page
Collision Related Evidence	2-3
Tire Marks	2-25
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Collision Related Evidence

[29.02.EO3]

Introduction

An **investigation** is the systematic gathering of information from a variety of sources along with documentation of statements, evidence, observations, and findings.

The investigation of a vehicle collision begins when the responding peace officer(s) first arrive at the scene of the collision and continues through the writing and filing of a collision report.

Evidence is any testimony, writings, material objects, or other things presented to the senses, and offered to prove or help prove or disprove the existence or nonexistence of a fact. (*Evidence Code Section 140*)

Involved parties

An involved party is anyone who is directly involved in a vehicle collision. The following table identifies persons who may be involved in the specific vehicle collision

Person	Definition	Related Information
Driver(s)	<ul style="list-style-type: none">The person who drives or who is in actual physical control of a vehicle involved in a collision	<ul style="list-style-type: none">Can also include a person:<ul style="list-style-type: none">operating a vehicle that is being propelled by other than that vehicle's own power (e.g., a coasting vehicle, a vehicle being pushed), orseated in the driver's seat when stopped within a traffic lane

Continued on next page

Collision Related Evidence, Continued

Involved parties
(continued)

Person	Definition	Related Information
<u>Pedestrian</u>	<ul style="list-style-type: none"> Any person who is afoot or who is using a means of conveyance propelled by human power other than a bicycle <i>Vehicle Code Section 467.</i> 	<ul style="list-style-type: none"> This includes: <ul style="list-style-type: none"> skate boards roller blades and skates wheel chairs (self propelled or motorized)
Bicycle	<ul style="list-style-type: none"> Any device upon which a person may ride, propelled by human power through a belt chain, or gear, and having one or more wheels <i>Vehicle Code Section 231.</i> 	<ul style="list-style-type: none"> Riders of tricycles, unicycles, or wheeled toys shall be considered pedestrians, unless their tricycle or unicycle meets the definition of a bicycle.
Person other	<ul style="list-style-type: none"> An involved party that does not meet the definition of a driver, pedestrian or bicyclist. 	Examples: <ul style="list-style-type: none"> driverless vehicles motorized scooters equestrians animal drawn conveyances trains, planes, cables cars

NOTE: A pedestrian is any person who is on foot, or who is using a means of conveyance other than a bicycle, due to a physical disability (e.g., skateboards, roller blades, self-propelled or motorized wheelchair).

Continued on next page

Collision Related Evidence, Continued

Involved parties
(continued)

Person	Definition	Related Information
<u>Noncontact involved party</u>	<ul style="list-style-type: none"> • Any driver, pedestrian, or other person(s) (e.g., bicycle rider) • not making any type of actual physical contact with involved vehicle(s) but, • who directly caused another party to become involved in the collision 	<ul style="list-style-type: none"> • Contributing violation(s) of a noncontact involved party must be corroborated by independent witnesses, physical evidence, or the person themselves.

NOTE: A person does not have to be seated in the driver's seat to be considered a "driver." For example, if a person sitting in a passenger seat is controlling the steering wheel, that person is a "driver."

Continued on next page

Collision Related Evidence, Continued

Other persons

Along with the involved parties, independent witnesses, passengers, and uninvolved parties may provide critical information to officers conducting a vehicle collision investigation. The following table identifies these individuals.

Person	Definition	Related Information
Independent witness(es)	<ul style="list-style-type: none"> Any person, other than an involved party or a passenger, who can provide information relevant to the collision 	<ul style="list-style-type: none"> Includes persons who observed: <ul style="list-style-type: none"> the collision, or pertinent details before or after the collision Should be interviewed <i>first</i> in most cases because they are not obligated to remain at the scene May provide information that corroborates drivers' statements and evidence at the scene
Passenger(s)	<ul style="list-style-type: none"> Any person inside or upon a vehicle involved in a collision, excluding the driver 	<ul style="list-style-type: none"> May provide information regarding their observations Should not be considered to be "independent witnesses"
<u>Uninvolved party</u>	<ul style="list-style-type: none"> Any individual who an involved party claims contributed to the collision 	<ul style="list-style-type: none"> Sustained no damage or injury There is no evidence to indicate that the involved party committed a violation that would cause the collision There is no corroboration by a disinterested witness or the uninvolved party

Continued on next page

Collision Related Evidence, Continued

Bias

A **bias** is the perception of *one's reality*. Individuals may experience both conscious and unconscious biases that can be either positive or negative in nature.

In order to place the perceptions of individuals who have been involved in a vehicle collision in proper perspective, peace officers should first recognize possible influences on that individual's perceptions. Individuals who are directly involved in a vehicle collision (e.g., drivers, passengers, noncontact involved parties, etc.) may interpret information based on possible:

- economic loss,
 - loss of driving privileges,
 - potential criminal prosecution, or
 - potential civil liability regarding the collision.
-

Interview process

A successful interviewer has the ability to obtain information from all parties and record it accurately. The following table introduces the basic phases of conducting a field interview related to a collision investigation.

	Actions	General Guidelines
Prepare for the interview	Separate the involved parties, witnesses, and other individuals.	<ul style="list-style-type: none">• If possible, move the person to a location where there will be no interruptions or distractions.• Focus the person's attention on speaking with the officer rather than interacting with others.
	Establish rapport.	<ul style="list-style-type: none">• Tell the person why the interview is being conducted.• Control the interview by remaining calm and polite.• Be courteous, considerate, and patient.

Continued on next page

Collision Related Evidence, Continued

Interview process
(continued)

	Actions	General Guidelines
Gather identification information	Obtain personal information.	<ul style="list-style-type: none"> • Name, address, phone (home and business) • Brief description (i.e., sex, date of birth, height, weight, etc.) • Location at the time of collision • Any other information necessary for identification purposes
	Obtain other documentation.	<ul style="list-style-type: none"> • Driver's license (number, state, class, etc.) • Vehicle registration • Proof of insurance

Continued on next page

Collision Related Evidence, Continued

Field interviews

An **interview** is the process of gathering information from a person who has knowledge of the facts an officer will need to conduct an investigation.

During the field interview, questions should be directed to the involved parties and witnesses that will allow the investigating officer to determine the:

- direction of each vehicle,
- speed of each vehicle,
- location of the vehicle when the danger was first noticed by the involved party/witness,
- location of witnesses, and any other information specific to that collision.

NOTE: For additional information regarding interviews and note taking, refer to LD 18: *Report Writing*.

NOTE: An interview is not an interrogation. Miranda admonishments are not required when conducting a field interview. For additional information regarding Miranda and interrogation refer to LD 15: *Laws of Arrest*.

Continued on next page

Collision Related Evidence, Continued

Field interviews
(continued)

	Actions	General Guidelines
Listen attentively	Ask the person to recount what has happened.	<ul style="list-style-type: none"> • Allow the person to speak freely. • Have the person describe the collision in that person's own words.
	Keep the person focused.	<ul style="list-style-type: none"> • If the person should begin to wander from the specific topic, guide the person back to the subject. • Maintain eye contact and use nonverbal gestures (e.g., nodding the head) to encourage the person. • Be particularly attentive to the essentials of the collision as described by that person.
Ask questions and take notes	Ask the interviewee to repeat that person's account of what happened again.	<ul style="list-style-type: none"> • Guide the interview by asking questions that will keep the person from becoming distracted and wandering from the point. • Stop the person and ask questions when necessary to clarify points. • If a statement is particularly important, have the person stop speaking while capturing the entire statement.

NOTE: Statements may be noted verbatim or paraphrased in the officer's field notes. Statements that are handwritten by the party are also acceptable and can be attached to the officer's collision documentation.

Continued on next page

Collision Related Evidence, Continued

Field interviews
(continued)

	Actions	General Guidelines
Verify information	Review information with the person.	<ul style="list-style-type: none"> • Repeat specific information to verify that the information is accurate and complete. • Give the person an opportunity to add facts as necessary. • Have the person confirm important details such as direct quotes, time relationships, etc.
	Make modifications or corrections as necessary.	<ul style="list-style-type: none"> • Information may have been initially recorded incorrectly because the officer: <ul style="list-style-type: none"> - misunderstood something the interviewee said, or - may have incorrectly characterized the interviewee's statement. • Once any changes have been made, the information that has been added or modified should be verified.

Continued on next page

Collision Related Evidence, Continued

Interview questions

The questions asked during each interview will vary depending on the nature of the collision and any suspected violations. The following table identifies a number of possible questions the investigating officer may consider when gathering information from involved parties and witnesses.

		Possible Questions to Ask
Drivers	Route	<ul style="list-style-type: none"> • Where did your trip start and where were you going? • Did you have to be there at any particular time? • What was the purpose of the trip? • How often do you drive this route?
	Conditions	<ul style="list-style-type: none"> • How fast do you think you were traveling? • What were the prevailing conditions (e.g., light, snow, fog, rain, etc.)? • Where were your passengers seated prior to the collision?
	Collision	<ul style="list-style-type: none"> • At what time did the collision take place? • Which direction were you traveling before the collision? • Where were you on the roadway (i.e., what lane) when the collision occurred? • What happened when you collided? • Where exactly did the collision occur? • Did you try to avoid the collision? If so, how? • What happened to your vehicle after you collided?

Continued on next page

Collision Related Evidence, Continued

Interview questions
(continued)

	Possible Questions to Ask	
Drivers (continued)	Other vehicle	<ul style="list-style-type: none"> • When did you first see the other vehicle/pedestrian? • Who was driving the other vehicle? • How fast do you think the other vehicle was traveling? • What happened to the other vehicle after you collided?
Other Involved Parties	<ul style="list-style-type: none"> • At what time did the collision take place? • Where were you at the time of the collision? • What were you doing? • Who was driving the vehicle(s)? • How fast do you think the vehicle(s) were traveling? • What happened when the vehicle(s) collided? 	

Continued on next page

Collision Related Evidence, Continued

Nine cell matrix

In the course of a collision investigation, investigating officers must consider many possible variables. The following table presents a nine cell matrix of possible considerations.

	Precollision	Collision	Postcollision
Vehicle(s)	<ul style="list-style-type: none"> • Location (e.g., direction of travel, lane, etc.) • Speed • Vehicle load (weight transfer) • Mechanical condition/equipment) 	<ul style="list-style-type: none"> • Impact speed • Vehicle orientation at impact (e.g., direction, lane, area of impact, etc.) • Loose objects in the vehicle • Vehicle movement (e.g., spun, kept going in same direction, swerved, etc.) • Secondary impact (other objects hit) 	<ul style="list-style-type: none"> • Final resting location (on or off roadway) • Direction vehicle is facing

Continued on next page

Collision Related Evidence, Continued

Nine cell matrix
(continued)

	Precollision	Collision	Postcollision
Involved Person(s)	<ul style="list-style-type: none"> • Number of occupants (including seat locations) • Activities/attention span (e.g., smoking, eating, daydreaming, talking, etc.) • Blood-alcohol level • Physical condition (e.g., hand controls, restrictive lenses) • Use of restraints • Intention (e.g., change lanes, turn, go straight, etc.) 	<ul style="list-style-type: none"> • Movement of occupants at time of impact • Injuries • Level of control 	<ul style="list-style-type: none"> • Rescue activities/first aid required • Direction of any ejected party • How occupants exited vehicle • Use of sobriety/chemical testing

Continued on next page

Collision Related Evidence, Continued

Nine cell matrix
(continued)

	Precollision	Collision	Postcollision
Environment	<ul style="list-style-type: none">• Weather condition	<ul style="list-style-type: none">• Conditions at time of collision (changes, if any from precollision phase)	<ul style="list-style-type: none">• Conditions during the course of the investigation (changes, if any from precollision and collision phases)• Location of debris

Continued on next page

Collision Related Evidence, Continued

Elements of the violation

When interviewing involved parties and witnesses at the scene of a vehicle collision involving a suspected traffic violation, the investigating officer should question each person concerning the specific elements of the suspected violation. No element should remain unresolved.

Every person interviewed should state for each element either that:

- the element *was* present,
- the element *was not* present, or
- that individual *does not know* whether it was present or not.

For example, *Vehicle Code Section 21453* (failure to stop at a red light) requires drivers to stop at certain locations when a red signal is displayed. Involved parties and witnesses should be questioned as to exactly where the vehicle was at the time the red light came on and whether or not the vehicle had stopped.

NOTE: Elements of a traffic violation may also be supported by physical evidence and/or the injuries sustained by the involved parties.

NOTE: For additional information regarding traffic violations, refer to LD 28: *Traffic Enforcement*.

Continued on next page

Collision Related Evidence, Continued

Physical evidence

Physical evidence includes any tangible objects that are relevant to the investigation. The physical evidence identified at the collision scene along with other variables may aid in determining the cause of the collision.

The following table identifies a number of types of physical evidence that may be found at the scene of a vehicle collision.

Type	Additional Information	
Debris	<ul style="list-style-type: none"> • Loose material scattered about at the scene as a result of the collision • Composed of loose vehicle parts, cargo, broken glass or plastic, or numerous other types of material associated with the collision • May indicate <ul style="list-style-type: none"> - <i>general</i> area of impact (but poor indicator of where the collision <i>actually</i> took place), and - direction of travel 	
Fluids (vehicle/body)	Spatters	<ul style="list-style-type: none"> • Usually made from a container collapsing at the time of collision • May help indicate an area of impact since a damaged vehicle generally does not move far before the spatter reaches the road
	Dribbles/ trails	<ul style="list-style-type: none"> • May indicate a direction of travel
	Puddles/ pools	<ul style="list-style-type: none"> • Occurs when a fluid stops moving • Good indicator of the location where a vehicle or person came to rest
	Run-off	<ul style="list-style-type: none"> • Indicates a slope
	Soak-in	<ul style="list-style-type: none"> • Occurs where liquid is absorbed by soil or pavement cracks

Continued on next page

Collision Related Evidence, Continued

Physical
evidence
(continued)

Type	Additional Information	
Road scars	Scratches/ scrapes	<ul style="list-style-type: none"> • Usually caused by metal parts moving across roadway with relatively light pressure
	Gouges/ grooves	<ul style="list-style-type: none"> • Places where roadway material has been dug out • Usually caused by strong metal components • Shape of gouge may help indicate what made it • May indicate an area of impact, direction of travel, and/or placement of vehicle
	Chops	<ul style="list-style-type: none"> • Broad deep gouges where chunks of pavement have been dug out • May indicate an area of impact • Depth of gouge and direction of material removed from the chop may indicate the direction the component that made the chop was traveling
	Chips	<ul style="list-style-type: none"> • Same as chops, only smaller • Typically found in harder roadway surfaces (i.e., concrete) • Less valuable than chops as an indicator of direction

Continued on next page

Collision Related Evidence, Continued

Physical evidence (continued)

Type	Additional Information
Tire marks	<ul style="list-style-type: none">• Skid marks• Tire prints and impressions
Other	<ul style="list-style-type: none">• Paint chips and transfer marks• Fabric, hair, and tissue• Personal items (e.g., eyeglasses, shoes, etc.)

Scene management

Proper collision scene management requires:

- preventing the contamination or destruction of evidence,
 - identifying and documenting the appearance of the scene, and
 - collecting and preserving evidence.
-

Preventing contamination

Rain, snow, heat and humidity, sun, wind, or cold can quickly destroy or compromise certain types of perishable evidence. Other forms of evidence may be fragile and easily lost. Depending on the nature of the collision and the conditions, responding peace officers may need to take actions to protect at-risk evidence at the scene until it can be properly documented and collected.

- Example:
- tire prints or impressions may need to be carefully covered so they will not be harmed by rain or snow.
 - glass fragments, auto parts, etc. may be damaged by persons and/or vehicles moving through the scene.
 - loose items may be removed by animals or other persons not involved in the investigation.
-

Continued on next page

Collision Related Evidence, Continued

Preventing contamination (continued)

NOTE: Although environmental conditions *may* be harmful to evidence, investigating officers should *not* automatically assume that evidence has been compromised just because such conditions exist.

NOTE: Officers should not tamper with any component of a vehicle prior to an investigation (e.g., turn off headlights).

Documentation

The care with which the collision scene is documented can greatly affect the accuracy and credibility of further actions taken in the investigation. For this reason, it is critical to thoroughly document what is found and observed at the scene.

Documentation can be achieved by numerous means such as:

- maintaining accurate and complete field notes,
- creating an evidence list,
- taking photographs or videotapes of the area and particular pieces of evidence, and
- taking accurate measurements identifying the location of each piece of evidence to be used for later documentation and diagrams.

NOTE: Additional information regarding measurement, sketches, and factual diagrams is presented in *Chapter 3: Collision Documentation*.

Photographs

Photography can be a valuable tool in collision investigations. Photographs can be used to document the collision scene exactly as it appeared, document vehicle damage, and preserve specific articles of at-risk evidence. They can also be helpful for reconstruction purposes and used to show an object or scene relevant to the collision.

Continued on next page

Collision Related Evidence, Continued

Photographs (continued)

Each photograph should be marked properly to identify:

- contents of the photograph,
- location taken,
- date and time taken, and
- name of the officer/photographer.

NOTE: The actual photographer and developer need not be present in court if the peace officer at the scene can testify that the photographs accurately depict the scene.

Digital photography

Some investigating officers may use digital cameras rather than conventional photography to document a collision scene. When digital cameras are used, no standard film is used; therefore, there are no negatives. Images are stored as computer data files.

If digital photography is used, all images should be preserved and the location where the unaltered original files are stored should be clearly noted in the officer's documentation.

NOTE: Additional information regarding use of photographic equipment during an investigation can be located in LD 30: *Preliminary Investigation*.

Continued on next page

Collision Related Evidence, Continued

Evidence collection

For collisions involving serious injury or death, specific items of physical evidence may need to be collected for further laboratory analysis.

Relevant items that can be collected depending on the specifics of the collision may include but not be limited to:

- vehicle lamps and other vehicle parts such as speedometers (collected in the same condition they were found),
- paint samples and paint transfer marks,
- alcohol cans/bottles,
- trace evidence (i.e., hair, fibers, tissue, etc.), or
- debris from the scene.

NOTE: The appropriate methods should be used for collecting each specific type of evidence.

Chain of custody

The **chain of custody** is the written, witnessed, unbroken record of all individuals who have maintained control of or had access to any physical evidence.

A complete and accurate chain of custody record is absolutely essential in establishing the validity and integrity of evidence in court.

Continued on next page

Collision Related Evidence, Continued

Marketing and labeling

To ensure that the evidence presented in court is the same evidence collected at the collision scene, each container or wrapped item collected should be identified and labeled.

Using permanent ink, the following information should be carefully and legibly noted on the evidence label or tag.

- Collecting officer's name and identification number (i.e., badge/serial number)
- Time and date the item was collected
- Where the evidence was located
- Brief content description (including size and quantity)
- Any related information (e.g., case control number, witness(es) to the collection)
- Collection officer's signature

NOTE: Unless agency policy is to the contrary, officers should not place any marks directly on an item of evidence itself. Marking evidence in this manner may affect or even destroy its evidentiary value.

Tire Marks

[29.02.EO4, 9.02.EO5, 29.02.EO6]

Introduction

Marks left from the tires of a vehicle involved in a traffic collision are another form of physical evidence that may be available at a collision scene.

Types of tire marks

There are two types of tire marks that peace officers may encounter at a vehicle collision scene: **skid marks** and **tire impressions (prints)**. The following table further identifies each.

	Description
Skid mark	<ul style="list-style-type: none">• Darkened roadway material left by a tire that is:<ul style="list-style-type: none">- not free to rotate, and/or- sliding or slipping over a surface.
Tire Impression	<ul style="list-style-type: none">• Mark left by a rotating tire that has gone through a liquid or other soft material leaving a “print” of the tire’s tread pattern• May also be found in snow, slush, sand, mud, grass, or other impressionable surface

Examination of tire marks

The visibility of tire marks will depend on the roadway surface material (e.g., concrete, asphalt, gravel, etc.), and available lighting (e.g., day, night, glare, etc.).

Tire marks should be examined at a distance and from multiple directions. During daylight conditions, peace officers find it helpful to examine the marks through polarized lenses to reduce glare. Auxiliary lighting may be required when examining marks at night.

Continued on next page

Tire Marks, Continued

Tire marks and vehicles

Investigating officers may link a particular tire mark left at a collision scene with a specific vehicle in a number of different ways. Investigating officers may:

- check the condition of the vehicle's tires,
 - compare the width of the tires in relation to the width of the tire mark,
 - compare the track width of the vehicle to the skid mark,
 - look for sidewall scuffing,
 - determine the number and condition of the grooves, and
 - note the position of the vehicle at the collision scene.
-

Causes of skid marks

Peace officers investigating a vehicle collision should be aware of three basic causes of visible skid marks.

Cause	Additional Information
Extreme deceleration	<ul style="list-style-type: none">• When the braking system of the vehicle causes the wheels to cease rotating or rotate slower than the speed of the vehicle• May also occur as a consequence of an impact with an opposing force applied to the vehicle from any direction
Extreme acceleration	<ul style="list-style-type: none">• Occurs when a propelling force or thrust is generated in an amount exceeding the roadway efficiency (e.g., asphalt is more efficient than gravel)• Residual tire debris may be observed just prior to the beginning of the mark• Depending on the type of vehicle, there may be only one mark• Examination should reveal a clean surface around the entire circumference of the tire making the mark

Continued on next page

Tire Marks, Continued

**Causes
of skid
marks**
(continued)

Cause	Additional Information
Extreme change of direction	<ul style="list-style-type: none">• May result from an:<ul style="list-style-type: none">- intentional effort on the part of the driver, or- impact/contact with a fixed object or other vehicle

NOTE: Information regarding specific types of skid marks is provided in the *Supplemental Materials* portion of this workbook.

Collision Scene Measurements

[29.02.EO7, 29.02.EO8]

Introduction

Measurements are taken to determine where an object is located relative to other objects. Complete and accurate measurements taken at the collision scene are the foundation for speed estimates and conclusions how a vehicle collision occurred.

Officer safety

Prior to taking any type of measurement at a collision scene, officers should make all necessary efforts to protect their own safety as well as the safety of any physical evidence at the scene. Safety measures may include but are not limited to:

- using barricades, signal devices, cones, flares, patrol vehicles, etc. to divert traffic away from the area.
 - wearing reflective vests or other types of identification equipment.
 - using personal protective equipment (e.g., gloves).
 - requesting additional resources when necessary to deal with bystanders and involved parties if necessary.
-

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Collision Scene Measurements, Continued

What to measure

Measurements should be taken to determine the location and possibly the size of anything the officer feels will be important to the investigation.

The following table identifies a number of locations or items officers may consider when determining what to measure at a collision scene.

	Possible Examples
Highway Features	<ul style="list-style-type: none">• Roadway widths• Lane widths• Crosswalk widths
Fixed Objects	<ul style="list-style-type: none">• Monuments• Roadway markings (e.g., painted lines)• Traffic devices (signs, lights, etc.)
Physical Evidence	<ul style="list-style-type: none">• Tire marks• Roadway scrapes and gouges• Items ejected from vehicles• Debris patterns• Body fluid stains, pools, smears• Footprints, hand prints, scuff marks• Fabric, human tissue, clothing, personal objects• Paint transfers on roadway
Collision Related Points	<ul style="list-style-type: none">• Positions of rest of involved vehicles• Location of dead or injured parties• Area(s) of impact

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Collision Scene Measurements, Continued

Measurement priorities

The order in which measurements are taken should be based on the stability of the evidence.

Items which are *at risk or easily moved* should be given first priority (e.g., fluid stains that could be washed away by rain, debris that could be moved by shifting winds, etc.).

The officer's next priority should be items that *will be moved* from the scene (e.g., involved vehicles, broken glass, or other debris, etc.).

Measurements involving *fixed objects or areas* can be saved until last (e.g., roadway widths, position of signal equipment, etc.).

Measurement devices

The following table identifies a number of the measuring devices and equipment that officers may use at a collision scene.

Device/Method	Examples/Additional Information	
Laser survey equipment	<ul style="list-style-type: none"> • Most accurate at any distance • Very expensive • Requires high level of training and expertise for use 	
Tape measures	Steel	Consistently accurate
	Fiberglass	Durable; difficult to break
	Cloth/Plastic	Lacks accuracy due to stretching
Rolatape	<ul style="list-style-type: none"> • Good for measuring long distances • Should be periodically checked for accuracy • Inaccuracies can be caused by: <ul style="list-style-type: none"> - operator error, - inconsistent line of path, or - the type of surface to be measured (e.g., bumps, skips, gravel, etc.) 	

Continued on next page

Collision Scene Measurements, Continued

Measurement devices (continued)

Device/Method	Examples/Additional Information
Pacing	<ul style="list-style-type: none">• Should be based on full strides• Must know the length of an officer's stride• Generally inaccurate
Vehicle odometer	<ul style="list-style-type: none">• Used for measuring very long distances• Accuracy may be questionable depending on the vehicle
Visual estimate	<ul style="list-style-type: none">• Totally subjective• Most unreliable of all methods

NOTE: Other items of equipment may include a directional compass, level, chalk, spray paints, nails, and other marking devices.

Reference points/lines

A **reference point/line** is a point from which a measurement is taken to locate a single spot in a given area. Reference points/lines should be based on fixed objects. A **fixed point** is any *permanent* object or landmark that does not move (e.g., the roadway edge or curb, a permanent signal device, a fire hydrant, light pole, etc.).

The location of any item should be noted by using measurements from *two different reference points/lines* to a single location.

NOTE: Measurements may be taken not just to measure location but also the size of an object or area. For example, an officer may take measurements to determine the length of a tire mark or the size of the area in which debris is located.

Continued on next page

Collision Scene Measurements, Continued

Prolongation reference lines

Reference points/lines used as fixed points when taking measurements may include painted or imaginary **prolongation** (i.e., extensions) of an existing curb line, roadway edge, or sidewalk edge, etc.

NOTE: A graphic illustration of an intersection with imaginary prolongation marks is included in the *Supplemental Materials* portion of this workbook.

Measurement techniques

There are a number of different measuring techniques that an investigating officer may employ. The following table identifies three of the most common.

NOTE: A graphic example of each technique is included in the *Supplemental Materials* portion of this workbook.

Technique	Description
Coordinate	<ul style="list-style-type: none">• Based on measurements taken from two different reference points/lines• Reference points/lines may include:<ul style="list-style-type: none">- roadway edges or curb lines, or- prolongations (i.e., extensions, continuations)• A single spot (e.g., item of physical evidence) is located by taking a measurement from each reference line• Each measurement should be noted along with appropriate compass coordinates (e.g., an item may be 8' north of the south roadway edge)

Continued on next page

Collision Scene Measurements, Continued

Measurement techniques
(continued)

Technique	Description
Station Line	<ul style="list-style-type: none">• Used when dealing with long distance between two reference points/lines• Based on a straight or curved stationary line that is:<ul style="list-style-type: none">- easy to locate (even in the future),- away from an open lane of traffic, and- close enough to the physical evidence to avoid perpendicular measurements over 20 feet in length• Reference points are established along the station line using standard engineering technique with 0+00 for a designated beginning point along the station line
Triangulation	<ul style="list-style-type: none">• Used for finding specific positions by dividing a region into a network of triangular areas• Employed in limited situations where other methods are less practical (e.g, on irregular terrains)• Requires accurate measurement and note taking to avoid errors

Collision Analysis

[29.02.EO12]

Introduction

Statements taken during a field interview, evidence identified at the scene, along with the investigating officer's observations and training, all play a part in determining the cause of a vehicle collision and whether a violation of the law has taken place.

Area of impact

During the course of the investigation, officers must establish the area of impact. The **area of impact** (AOI) is the geographical location at which the involved parties came into contact, as a result of the vehicle collision, with:

- one another,
- another object, or
- a surface.

NOTE: The area of impact may also be referred to as the point of impact (POI).

Establishing the area of impact

Determination of the area of impact is generally based on a number of different factors including, but not limited to:

- statements and information gathered during field interviews,
 - vehicle speed(s),
 - point of rest of vehicle(s)/pedestrian,
 - vehicle damage (location, amount, severity, etc.),
 - damage to fixed objects,
-

Continued on next page

Collision Analysis, Continued

Establishing the area of impact (continued)

- fluids on the roadway (spatters, trails, pools, etc.),
- gouges and other road scars on the roadway or other objects,
- debris at the collision scene (type, location, direction, pattern, etc.),
- tire marks on the roadway (indicating change of direction, acceleration, deceleration, etc.)

No matter what information is used, officers must be prepared to document their rationale for designating a specific location as the area of impact.

Law of motion

When considering the location of evidence at the collision scene to determine the area of impact, investigating officers should remember that any object that is already in motion will tend to remain in motion. (*Newton's First Law of Motion*). Because of this, items may be propelled beyond the actual area of impact.

Point of rest

Investigating officers should not confuse the area of impact with the point of rest. The **point of rest** (POR) is the geographical location at which the involved vehicles come to a *final* position of rest after impact with one another, another object, or a surface.

NOTE: Officers should be aware that a vehicle could have been moved from the original point of rest prior to their arrival at the scene.

Continued on next page

Collision Analysis, Continued

Primary collision factor

Investigating officers must also determine the primary collision factor in the course of their investigations. The **primary collision factor** (PCF) is the *one* element or driving action which in the officer's opinion *best* describes the primary or *main cause* of the collision.

The primary collision factor may be categorized as:

- a specific vehicle code violation,
- improper driving,
- other than driver,
- unknown.

NOTE: If the primary collision factor had not occurred, the vehicle collision would *not have taken place*.

NOTE: If more than one involved party share some amount of "fault" in the collision, investigating officers should determine the primary collision factor based on the involved party that is determined to be *most at fault* in the officer's opinion.

NOTE: Failure to immediately stop when involved in a vehicle collision (*Vehicle Code Section 20002*), driving under the influence and causing bodily injury (*Vehicle Code Section 23153*), and driving without a license (*Vehicle Code Section 14601*), are *not* acceptable codes to use for primary collision factors.

NOTE: When the involved party considered most at fault is driving a vehicle while under the influence of alcohol or drugs, the primary collision factor shall be *Vehicle Code Section 23152*, regardless of any other violation. (*Vehicle Code Sections 22450, 21703, 22350, etc.*) Enter other violations under "other associated factors."

Continued on next page

Collision Analysis, Continued

Vehicle code violations

Whenever possible, the primary collision factor should be noted as a specific vehicle code violation. Examples of some vehicle code sections commonly used as primary collision factors are noted in the following table.

NOTE: This table is *not intended to be all inclusive*. Numerous other vehicle code sections may also apply.

Violations		<i>Vehicle Code Section</i>
Traffic Control Devices	Stop signs	22450
	Circular red or red arrow	21453
	Flashing signals	21457
	Double lines	21460
	Obedience by driver to official traffic control devices	21461
Right-of-Way	Two-way left turn lanes	21460.5
	Uncontrolled intersection	21800
	Left turn right-of-way	21801
	Approaching intersection entrance	21802
	Yield right-of-way	21803
	Entry onto highway; public, private property, alley	21804

Continued on next page

Collision Analysis, Continued

Vehicle code
violations
(continued)

	Violations	Vehicle Code Section
Turning and Signaling	Laned roadways	21658
	Turning upon a highway	22100
	Starting parked vehicle or backing up	22106
	Turning movements and required signals	22107
Speed	Basic speed law	22350
	Minimum speed law	22400
Driving, Overtaking, and Passing	Right side of roadway	21650
	Divided highways	21651
	Following too closely	21703
	Overtake and pass to left	21750
	Passing without sufficient clearance	21751
	Yielding for passing	21753
	Pass on right safely	21755
Pedestrians	Pedestrian on roadway	21956
	Pedestrian right-of-way at crosswalks	21950
	Pedestrians outside crosswalks	21954
Bicycles	Riding bicycle under influence of alcohol or drugs	21200.5
	Operation on roadway	21202
	Bicycle operated on roadway	21650.1

Continued on next page

Collision Analysis, Continued

Vehicle code violations
(continued)

Violations		Vehicle Code Section
Other	Throwing, depositing, or dumping matter on highway	23112
	Spilling load on highway	23114
	Opening and closing doors	22517
	Driving under the influence of alcohol or drugs	23152

Improper driving

When no specific vehicle code section violation is applicable, officers may determine that “improper driving” alone is the primary collision factor.

For example, a collision that takes place on private property where a vehicle code does not apply might be considered improper driving.

NOTE: “Improper driving” should not be used as a catch-all to relieve officers of their responsibility to identify the appropriate vehicle code violation as the primary collision factor.

Continued on next page

Collision Analysis, Continued

Other than driver

There may be times when the primary cause of the collision is something beyond the control of a driver. Examples of such primary collision factors may include but not be limited to:

- a large animal (e.g., deer, horse, etc.) running in front of the vehicle.
 - a medically induced difficulty causing the driver to lose control (e.g., heart attack, epileptic seizure, diabetic coma, etc.).
 - an environmental condition (e.g., “black ice”) causing a driver, who is otherwise operating the vehicle safely and properly, to lose control.
 - mechanical failure not known or foreseeable through normal and reasonable maintenance (e.g., an axle breaks from metal fatigue, the vehicle’s transmission locks up, etc.).
-

Unknown

There may be situations when, due to conflicting statements and/or lack of physical evidence, it is not possible for the investigating officer to determine the primary cause of a collision. When such situations exist, the investigating officers must explain within their collision documentation *why* the primary cause cannot be determined.

Continued on next page

Collision Analysis, Continued

Associated collision factors

An **associated collision factor** is a factor or vehicle code violation(s) that contributed to the collision, but was not the *main cause*. Depending on the situation, there may be more than one associated factor related to the collision.

Examples of associated collision factors include but are not limited to:

- obscured vision,
- inattention (e.g., using a cell phone, tuning a radio, etc.),
- stop and go traffic,
- entering or leaving a ramp,
- a previous collision,
- unfamiliarity with the highway,
- defective vehicle equipment,
- another uninvolved vehicle, or
- runaway vehicle.

NOTE: There may be a number of vehicle code violations in the course of a vehicle collision. Although the violations took place and the driver of the vehicle should be charged with their commission, they may not be *what actually caused the collision*.

Documenting the primary collision factor

Any primary or associated collision factor determined by the investigating officer must be *described and substantiated within that officer's collision report*.

NOTE: Additional information regarding the components of a collision report is provided in the next chapter of this workbook.

Continued on next page

Collision Analysis, Continued

Examples

Example: Driver of Vehicle one (V-1) stopped at a yield sign. Driver of Vehicle two (V-2), was traveling too fast and failed to stop in time to avoid striking the rear end of V-1 causing injury to that driver. V-2 was at fault and the primary collision factor was failing to drive at a reasonable speed. (*Vehicle Code Section 22350*)

Example During the investigation of the collision described in the first example, it was determined that the driver of vehicle one had been driving under the influence. (*Vehicle Code Section 23152*). Although the driver could be cited for the violation, it is *neither* a primary nor an associated collision factor.

Example: Driver of Vehicle one (V-1) was eastbound traveling at a legal speed on a two lane road in a rural area. Driver of Vehicle two (V-2) was traveling westbound on the same road also at a reasonable speed. A deer leapt from the roadside into the path of V-1. The driver attempted to swerve out of the way and entered the westbound lane, forcing V-2 off the road and into a tree. The primary collision factor for this incident was the deer's actions ("other than driver").

Chapter Synopsis

Learning need To accurately determine the events and factors associated with a collision, peace officers must recognize the types, and importance of evidence likely to be available at a collision scene.

Physical evidence
[29.02.EO3] There are a number of forms of physical evidence that may be found at the scene of a vehicle collision.

Tire marks
[29.02.EO4] There are two types of tire marks that peace officers may encounter at a vehicle collision scene; skid marks and tire impressions.

Tire marks and vehicles
[29.02.EO5] Investigating officers may link a particular tire mark left at a collision scene with a specific vehicle in a number of different ways.

Skidmarks
[29.02.EO6] Peace officers investigating a vehicle collision should be aware of three basic causes of visible skid marks.

Measurement priorities
[29.02.EO7] Items which are *at-risk or easily moved* should be given first priority (e.g., fluid stains that could be washed away by rain, debris that could be moved by shifting winds, etc.).

Reference points/lines
[29.02.EO8] A reference point/line is a point from which a measurement is taken to locate a single spot in a given area. Reference points/lines should be based on fixed objects. A fixed point is any *permanent* object or landmark that does not move (e.g., the roadway edge or curb, a permanent signal device, a fire hydrant, manhole cover, light pole, etc.).

The location of any item should be noted by using measurements from *two different reference points/lines* to a single location.

Continued on next page

Chapter Synopsis, Continued

**Primary
Collision
Factor**
[29.02.EO12]

The *one* element or driving action which best describes the *main cause* of the collision.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. For each of the following situations, identify which party is most at fault, the primary collision factor, and if applicable, any associated collision factors for the collision.

Situation	Party Most at Fault	Primary Collision Factor	Associated Collision Factor(s)
V-1 approaches the intersection at a safe speed and makes a left turn in front of V-2 (also traveling at a safe speed).			
After coming to a complete stop, V-2 enters the intersection and collides with V-1. V-1 is traveling at a speed that greatly exceeds the posted speed limit.			
V-2 strikes a pedestrian who is crossing the street in a marked crosswalk that is located in the middle of the block (not at an intersection).			
V-1, traveling northbound, slows to make a left turn into a private driveway. V-2 strikes the rear end of V-1 and forces it into V-3 traveling southbound in the oncoming roadway.			

Continued on next page

Workbook Learning Activities, Continued

Activity questions (continued)

2. Driver of Vehicle one (V-1) is traveling northbound on Elm Street at a speed of 50 mph that greatly exceeds a posted speed limit of 35 mph. A second vehicle (V-2) is parked along the curb of Elm Street, also pointed north. The engine of V-2 is running and the driver is waiting while another person is getting out of the car. Just as V-1 is approaching V-2 from the rear, the driver of V-2 pulls away from the curb, not seeing V-1 approach. The two vehicles collide but no one is injured. The person who has just exited V-2 is on the sidewalk and sees the collision take place.

Based on the scenario above:

- designate each person as an involved party, passenger, witness, uninvolved party, etc.
- suggest the types of physical evidence that you might find at the collision scene.
- identify the primary collision factor. Give your rationale for making this decision.
- list any associated collision factor(s). Give a reason why each would be an associated factor rather than the primary collision factor.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

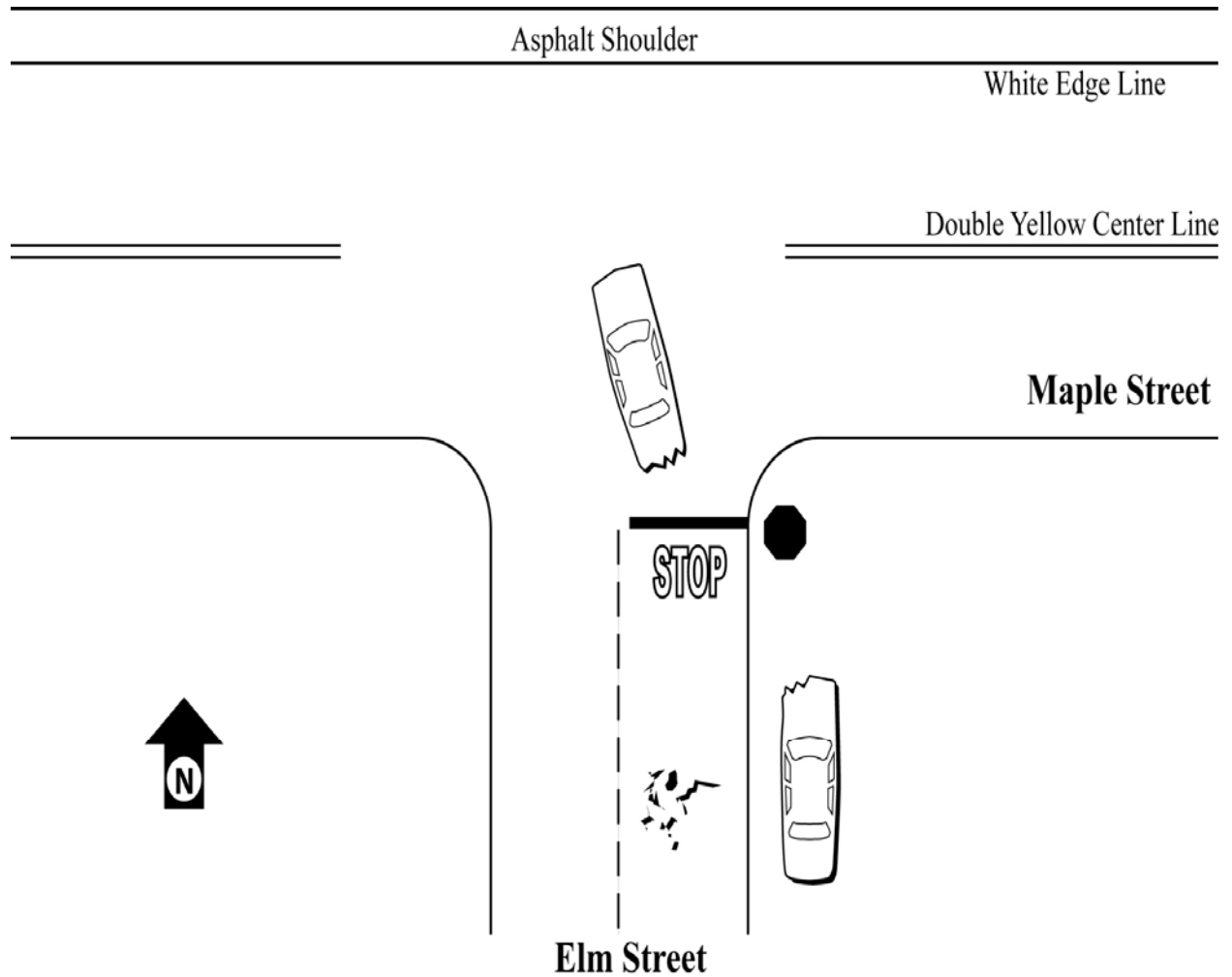
3. You are called to respond to a vehicle collision on a residential street involving a person on a bicycle and a pickup truck. The young man on the bicycle is not seriously injured but is bruised, sore, and badly shaken up. The driver of the truck and his passenger are not injured. There are two witnesses to the collision, a woman in an uninvolved vehicle at the same intersection and a teenager who saw the collision while waiting for traffic to clear before crossing the street. You have no other information regarding the cause of the incident at this time. In what order would you question each of the people at the scene regarding the incident? Make a list of possible questions you might ask each to determine what happened and who was at fault.

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

4. Examine the following graphic of a collision involving two vehicles. Using your best judgement, give a general location of the area of impact. Explain why you have decided on that particular location for the area of impact.

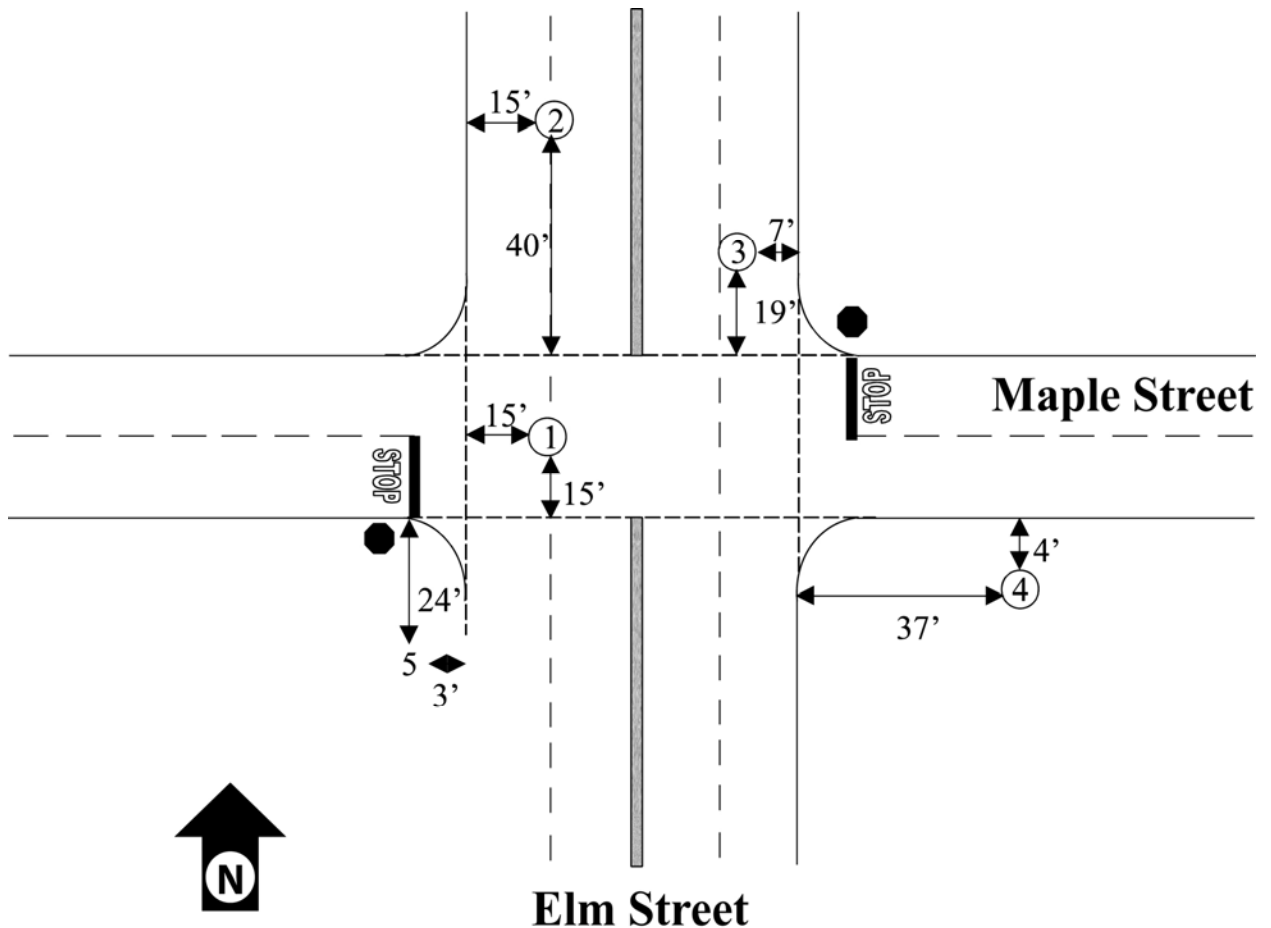


Continued on next page

Workbook Learning Activities, Continued

Activity questions (continued)

5. Identify the location of each of the lettered positions on the following graphic by using the coordinate system measuring technique. Use existing and prolonged curb lines as reference points. Correctly identify each position by feet and compass directions. (Point 1 has been identified as an example.)



Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

6. Using the diagram on the previous page. Correctly identify each position by feet and compass directions. (Point 1 has been identified as an example)

Point	Description
1	15 feet east of the west prolongation line of Elm Street and 15 feet north of the south prolongation line of Maple Boulevard
2	
3	
4	
5	

Chapter 3

Collision Documentation

Overview

Learning need Evidence collected at a collision scene can be rendered useless or inadmissible if it is not properly documented. Peace officers must recognize and follow standardized documentation formats for traffic collisions to ensure that the evidence they collect is understandable and usable by other officers, and other agencies.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• describe the components of standardized reporting formats used to document a collision.	29.03.EO2
<ul style="list-style-type: none">• distinguish between the types of collision documentation, including:<ul style="list-style-type: none">- collision investigation format, and- collision report format	29.03.EO3
<ul style="list-style-type: none">• Prepare components of a traffic collision report, including:<ul style="list-style-type: none">- description of injuries- identification of involved parties and vehicles- time and location of collision events- chronology of the collision events- elements unique to hit-and-run and driving-under-influence collisions- primary and associated collision factors- area(s) of impact- scene sketch	29.03.EO14

Continued on next page

Overview, Continued

Learning objectives
(continued)

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• distinguish between information to be included in the narrative of a collision report format under each of the following categories:<ul style="list-style-type: none">- facts- statements- opinions and conclusions- recommendations	29.03.EO7 29.03.EO8 29.03.EO9 29.03.EO10
<ul style="list-style-type: none">• distinguish between a collision sketch and a factual diagram.	29.03.EO11
<ul style="list-style-type: none">• prepare content features and elements to be included on a:<ul style="list-style-type: none">- collision scene sketch, and- factual diagram.	29.03.EO12 29.03.EO13

Continued on next page

Overview, Continued

In this chapter This chapter focuses on the requirements of standardized collision investigation reports. Refer to the chart below for specific topics.

Topic	See Page
Collision Documentation	3-4
Report Narratives	3-12
Collision Sketches and Factual Diagrams	3-19
Chapter Synopsis	3-23
Workbook Learning Activities	3-25

Collision Documentation

[29.03.EO2, 29.03.EO3, 29.03.EO4]

Introduction

A reduction in the frequency and severity of vehicle collisions requires not only enforcement of existing laws but also education (i.e., public awareness), and engineering (i.e., roadway design and development). To accomplish these, it is important that law enforcement agencies and other organizations share data regarding vehicle collisions.

Statewide Integrated Traffic Records System

The **Statewide Integrated Traffic Records System (SWITRS)** was implemented for the purpose of establishing uniformity in the collection, reporting, and retrieval of traffic collision data.

Each quarter, SWITRS produces a number of computer generated reports reflecting the information and data that have been collected from collision documentation. SWITRS reports allow law enforcement and other agencies within specific jurisdictions to identify:

- types of collisions,
 - types and ages of parties involved,
 - high collision frequency locations,
 - violations that cause a high number of collisions, and
 - other information to assist in the analysis of traffic collisions.
-

Continued on next page

Collision Documentation, Continued

Users of collision data

Users of standardized collision data include, but are not limited to:

- local law enforcement agencies,
 - the California Highway Patrol,
 - public works agencies,
 - Department of Transportation,
 - Department of Motor Vehicles,
 - state legislature,
 - courts,
 - private citizens,
 - attorneys,
 - research organizations,
 - insurance companies,
 - safety councils, and
 - National Highway Traffic Safety Administration.
-

Collision documentation

Law enforcement agencies are responsible for documenting all collisions that take place within that agency's jurisdiction. This responsibility includes all motor vehicle:

- traffic collisions occurring on highways, and non traffic.
 - resulting in personal injury or death, or
 - in which the driver fails to immediately stop at the scene and report the collision or provide proper notification (*Vehicle Code Section 20002*) or
 - in which the driver was operating the vehicle under the influence of alcohol or drugs

NOTE: Agencies are also responsible for documenting all bicycle collisions (as defined by *Vehicle Code Section 231*) occurring on highways within their jurisdiction.

Continued on next page

Collision Documentation, Continued

Report components

Standardized reporting documents are designed to provide data and collision related information that is clear, concise, and complete. When completed properly, they will also answer the questions who, what, when, where, why, and how in a time sequential manner.

The following table identifies basic components that may be included on standardized reporting formats.

Component	Description
Face sheet	<ul style="list-style-type: none">• Information regarding the:<ul style="list-style-type: none">- date and time,- location of the collision,- involved parties,- vehicle damage, and- any special conditions (e.g., on-duty emergency vehicle, school bus, etc.).

Continued on next page

Collision Documentation, Continued

Report components
(continued)

Component	Description	
Data sheet	Statistical information	<ul style="list-style-type: none"> • Documentation of the: <ul style="list-style-type: none"> - primary collision factor, - vehicle movements, - scene conditions, and - other information to be entered into the SWITRS database
	Injured/witness/passenger records	<p>Identification and descriptive information regarding all:</p> <ul style="list-style-type: none"> - injured persons, - witnesses (i.e., noninjured, noninvolved persons), and/or - passengers (i.e., noninjured, involved persons) <ul style="list-style-type: none"> • Notation of the extent of injuries including: <ul style="list-style-type: none"> - fatal injury (i.e., death as a result of injury sustained in the collision) - severe injury (e.g., broken, dislocated or distorted limbs, severe lacerations, unconsciousness, etc.) - other visible injuries (e.g., bruises, abrasions, etc.) - complaint of pain (e.g., internal or nonvisible injuries, dazed, confused or incoherent appearance, etc.)

Continued on next page

Collision Documentation, Continued

**Report
components
(continued)**

Component	Description
Narrative	<ul style="list-style-type: none">• Investigating officer's record, written in that officer's own words, of:<ul style="list-style-type: none">- the facts related to the collision,- statements made by involved and noninvolved persons, and- the officer's opinions, conclusions, and recommendations
Collision sketch	<ul style="list-style-type: none">• An illustration representing the investigating officer's opinion how the collision occurred
Factual diagram	<ul style="list-style-type: none">• A drawing of the factual details of the collision scene as the officer found it

Continued on next page

Collision Documentation, Continued

Report formats

There are a number of different standardized reporting formats that can be used. The following table identifies three basic report formats.

Report Format	Generally used whenever a collision...	Usually completed by...	Components
<u>Collision Investigation Format</u>	<ul style="list-style-type: none"> • takes place on a highway and results in serious personal injury, <i>or</i> • results in a fatality (no matter if the collision took place on or off a highway). 	<ul style="list-style-type: none"> • the investigating officer. 	<ul style="list-style-type: none"> • Face sheet • Data sheet • Narrative • Collision sketch • Factual diagram
<u>Collision Report Format</u>	<ul style="list-style-type: none"> • involves property damage and minor injuries. 	the investigating officer.	<ul style="list-style-type: none"> • Face sheet • Data sheet • Narrative • Collision sketch
Property Damage Only (PDO) Report Format	<ul style="list-style-type: none"> • involves no injuries or fatalities, • no follow-up investigation will be required, and • prosecution is not anticipated. 	<ul style="list-style-type: none"> • an involved party (with assistance, if necessary). 	<ul style="list-style-type: none"> • Face sheet • Data sheet • Abbreviated narrative

NOTE: The components required along with the format to be used may be determined by agency policy.

Continued on next page

Collision Documentation, Continued

Counter reports

An individual may request that a collision be documented even though the conditions do not fall within the categories of an *investigation* or a *report* (e.g., a collision that took place on private property involving property damage only). Such a report is referred to as a **counter report** or citizen's report.

Counter reports are completed by the involved party at a law enforcement facility. They represent one person's viewpoint of what took place. No party is considered "at fault" and no investigative action is required.

Individuals completing a counter report should be advised that documentation is *not required* as long as the involved individuals have exchanged all required information (e.g., name, address, proof of financial responsibility).

NOTE: An officer or clerical person may provide assistance in completing the report if requested.

NOTE: Counter reports are not processed into the SWITRS database files.

Collision investigation manual

The California Highway Patrol (**Collision Investigation Manual**) is a state publication which provides detailed instruction, clarification, and interpretation of all basic components for vehicle collision report format and investigation report format.

Report Narratives

[29.03.EO7, 29.03.EO8, 29.03.EO9, 29.03.EO10, 29.03.EO14]

Introduction

Standardized collision investigation format and collision format both include a narrative component. The purpose of the narrative component of standardized report formats is to provide, as accurately as possible, specific information and a description of the collision in the investigating *officer's own words*.

Narrative component

A **report narrative should not contain useless details**. Instead a narrative should:

- bring together the elements of the incident in a concise, logical, and time sequenced order,
- expand upon information noted elsewhere, and
- explain the occurrence of the collision.

NOTE: Style, format, and content requirements of report narratives may vary depending on agency requirements and policy.

Collision investigation format

A **collision investigation format** narrative should contain the:

- *facts* pertinent to the incident,
- *statements* of involved parties and witnesses,
- *opinions and conclusions* of the investigating officer how the collision occurred, and
- *recommendations* for further action(s).

NOTE: The actual section titles or headers used within report narratives can vary depending on agency policy.

Continued on next page

Report Narratives, Continued

Facts

The following table identifies elements that **may** be addressed as facts in an investigation narrative.

Possible Content	Additional Information
Notification Specifics	<ul style="list-style-type: none">• Type and time of call• Response location• Arrival time• Statements that speeds and measurements are approximate and how each was obtained (e.g., pacing, rolatape, etc.)
Scene Description	<ul style="list-style-type: none">• Road alignment, surface, etc.• Fixed or other objects• Type(s) of traffic controls
Involved Parties	<ul style="list-style-type: none">• Party's name and how that person was identified• How driver of that party's vehicle was determined• Location of that party's vehicle• Any mechanical defect associated with that party's vehicle
Physical Evidence	<ul style="list-style-type: none">• Type, location, and length of skid marks• Description and location of debris, vehicle parts, and other physical evidence• Disposition of collected evidence

Continued on next page

Report Narratives, Continued

Facts
(continued)

Possible Content	Additional Information
Other Factual Information	<ul style="list-style-type: none"> • Additional information (e.g., driver license restrictions, physical disabilities of party, etc.) • Any follow-up action needed
	<ul style="list-style-type: none"> • Hit-and-run (if applicable) <ul style="list-style-type: none"> - Description of suspect vehicle, party, and clothing - Who can identify suspect and establish that person as the driver - Summary of follow-up actions (e.g., locating and impounding vehicle, etc.) - If necessary, an explanation why follow-up actions were not possible
	<ul style="list-style-type: none"> • Hazardous materials (if applicable) <ul style="list-style-type: none"> - Trade and chemical names - Presence/absence of placards, labels, and shipping papers - Type of packaging - Cleanup contractor, etc. - Disposition of material

Continued on next page

Report Narratives, Continued

Statements

Any statements made by involved parties or witnesses should be noted within the investigation narrative. Statements need not be noted verbatim but each should be recorded in a manner that presents the pertinent substance and information of the person's words.

The following general guidelines should be applied by officers when documenting statements within an investigation narrative:

- Identify the person who gave the statement by both number (as assigned on the face sheet of the report) and last name.
- When documenting a witness's statement, indicate the location of that person at the time observations were made.
- If the statement was obtained by a specific question/answer technique (rather than the interviewee speaking freely), include both the question and answer.
- Statements taken at locations other than at the collision scene should include the date, location, and time the statement was taken, along with the name of the investigating officer or person taking the statement.
- If no statement was obtained from an individual relevant to the incident though, it should be stated why.
- If a party's written statement has been obtained, note "statement attached."

NOTE: Statements may also be taken from other individuals who can provide relevant information (e.g., emergency medical technicians, family members, person who may be able to provide information regarding a hit-and-run collision, etc.).

NOTE: For additional information regarding the recording of statements, refer to LD 18: *Investigative Report Writing*.

Continued on next page

Report Narratives, Continued

Opinions and conclusions

The opinions and conclusions portion of an investigation narrative should explain how the collision occurred. The following table identifies content that may be addressed:

Content	Additional Information
Summary	<ul style="list-style-type: none">• Present a complete description of:<ul style="list-style-type: none">- <i>what</i> took place,- <i>how</i> the collision happened, and- <i>why</i> it happened.• Tell what happened before, during, and after the collision.• Base all opinions on evidence at the scene and/or statements of involved parties or witnesses.• Present information in a logical, time sequential manner.• Note pertinent details (e.g., direction of travel, highway, speed, lane, relationship of involved parties to each other, etc.). <p>NOTE: The summary should not be mere repetition of the facts and statements already presented. Instead, it should reflect the officer's opinions of what took place based on the facts and statements already noted.</p>
Area(s) of Impact	<ul style="list-style-type: none">• State the area of impact and <i>how</i> it was determined (e.g., physical evidence, point of rest, statements, damage etc.).• Indicate the area of impact with a minimum of two measurements.• If more than one area of impact, note each separately.

Continued on next page

Report Narratives, Continued

Opinions and conclusions
(continued)

Content	Additional Information
Cause/Fault	<ul style="list-style-type: none"> • Identify the party who was determined to be most at fault and the primary collision factor. • Explain how each was determined and identify the evidence upon which each was based.
Intoxication Narrative	<ul style="list-style-type: none"> • If an intoxicated party was involved, describe how it was determined that the person was under the influence. • Describe all symptoms noted (e.g., presence of odor, slurred speech, poor coordination and balance, etc.). • State whether field sobriety tests were given and give a general statement indicating how the party performed during the test. • Explain how erratic driving and intoxication were proven. • If alcohol/drugs were located, note: <ul style="list-style-type: none"> - location of the item, - description of the item, - who discovered the item, and - disposition of the item. • Include the specific code violation for which the person was arrested.

Continued on next page

Report Narratives, Continued

Recommendations

In the final portion of an investigation narrative, the investigating officer may recommend follow-up actions.

Examples of possible recommendations may include, but are not limited to:

- requesting district attorney’s review,
- mechanical inspections,
- further evidence analysis, and
- DMV re-examinations of driver, etc.

If the investigating officer has no further recommendations, the word “none” should be noted.

Collision report format

The narrative portion of a *collision report format* normally contains fewer items than a *collision investigation format* narrative.

A collision report format narrative may include the:

- *notification* including type and time of call, etc.,
- *statements* made by involved parties, witnesses, or others with pertinent information,
- *summary* by the investigating officer of what took place and why,
- *area of impact* along with the factors and evidence that support it, and
- *cause* of the collision including the primary act or violation and how it was established.

Investigating officers should apply the same basic content recommendations and guidelines for each component as collision investigation format narratives.

Collision Sketches and Factual Diagrams

[29.03.EO11, 29.03.EO12, 29.03.EO13]

Introduction

Sketches and diagrams made by the investigating officer provide a visual representation of that officer's opinion as to and the factual elements of the scene. Each can be used to reinforce the narrative portion of the investigation or report.

Sketches vs. diagrams

A **collision sketch** is an illustration of the collision scene that reflects the *investigating officer's opinions as to* how the vehicle collision occurred. Collision sketches should be included with all collision investigation format and collision report formats.

A **factual diagram** is a drawing of the collision scene that represents the scene as it was found upon the officer's arrival. It contains factual information *only*, rather than any opinions of the investigating officer. Factual diagrams should be included with collision documentation when the:

- collision involves a serious injury or fatality,
 - diagram would assist in a prosecution, or
 - diagram would assist an officer in clarifying a point in the narrative portion of the report.
-

Legibility

All sketches and diagrams must be clean (smudge free), clear, and *legible*. All text should be written horizontally (parallel to the bottom of the page) rather than vertically. The use of diagram templates and a straight edge is recommended to improve the quality of all sketches and diagrams.

NOTE: Special diagramming computer software may also be used if available.

Continued on next page

Collision Sketches and Factual Diagrams, Continued

Common features and content elements

All collision sketches and factual diagrams should include:

- a compass direction (North is usually indicated with an arrow pointing to the top of the page),
- reference points and directions,
- fixed objects and elements (appropriately labeled) that are relevant to the investigation or are relevant to collision factors (e.g., trees, traffic signs and devices, shrubs, poles, buildings, etc.), and
- the identity of all highways, roadways, and alleys shown.

Both collision sketches and factual diagrams should also be proportional (but not necessarily to scale).

NOTE: Include basic measurements of highway features (e.g., widths of roadways, lanes, shoulders, sidewalks, crosswalks, etc.) if required for clarification.

Unique content elements

Although there are many similarities to collision sketches and factual diagrams, there are also key differences.

Collision sketches illustrate the investigating officer's <i>opinion</i> regarding...	Factual diagrams should illustrate <i>only</i> the facts of the collision regarding...
<ul style="list-style-type: none"> • travel pathways of involved vehicles and parties, and • area of impact. 	<ul style="list-style-type: none"> • location of: <ul style="list-style-type: none"> - physical evidence, - points of rest of involved vehicle(s), - dead or injured parties, and - other critical features observed by the investigating officer.

NOTE: Different symbols are used for collision sketches and factual diagrams. Appropriate symbols to be used for each are provided in the *Supplemental Materials* (see pages S-12, S-16 and S-17) portion of this workbook.

Continued on next page

Collision Sketches and Factual Diagrams, Continued

Collision sketch guidelines

A collision sketch should illustrate the investigating officer's *opinions* that have been expressed in the narrative summary of the report. Basic guidelines for drawing collision sketches are listed below.

- Official route numbers or names should be used to identify all highways.
- When there is more than one area of impact, each should be numbered consecutively beginning with the initial impact.
- Vehicle pathways prior to the area of impact should be identified using solid lines. Each line should be numbered as necessary to identify vehicles (e.g., V-1, V-2, etc.).
- Identify the pathways of pedestrians or animals using dashed lines. Each line should be numbered as necessary (e.g., P-1, P-2, etc.).

NOTE: An example of a collision sketch is located in the *Supplemental Materials* (see pages S-13 through S-15) portion of this workbook.

NOTE: Additional elements may be included if appropriate or required by agency policy.

Continued on next page

Collision Sketches and Factual Diagrams, Continued

Factual diagram guidelines

A factual diagram should enhance the facts presented in a collision investigation format narrative. Basic guidelines for drawing factual diagrams are listed below.

- When the diagram is drawn to scale, a scale bar or scale ratio should be clearly stated (e.g., 1:10, 1" = 10').
- Measurements should include:
 - the scene (e.g., roadway width, etc),
 - physical evidence (e.g., tire marks, debris, etc.), and
 - vehicles.
- All vehicles and parties should be clearly identified (e.g., V-1, V-2, P-1, etc.).
- If vehicles or objects were moved from their point of rest prior to the investigating officer's arrival, they need not be shown in the diagram.
- Identify all physical evidence with numeric (1, 2, 3, etc.) or alpha (A, B, C, etc.) symbols.

NOTE: *Do not* show vehicle or pedestrian pathways or area(s) of impact. These should be described in the investigation narrative format and shown on the collision sketch.

NOTE: An example of a factual diagram is located in the *Supplemental Materials* (see pages S-18 and S-19) portion of this workbook.

Continued on next page

Collision Sketches and Factual Diagrams, Continued

Diagram legends

To avoid confusion, include a diagram legend on a separate page. Legends may include measurements indicating:

- vehicle locations should be identified with a minimum of four measurements, measuring the vehicle at right angles from a reference point to the center of each wheel.
 - the location of each piece of physical evidence (identified by the number or letter used to identify the same item on the diagram). Evidence locations should be identified with a minimum of two measurements at right angles or with triangulation.
-

Chapter Synopsis

Learning need Evidence collected at a collision scene can be rendered useless or inadmissible if it is not properly documented. Peace officers must recognize and follow standardized documentation formats for traffic collisions to ensure that the evidence they collect is understandable and usable by other officers, and other agencies.

Basic report components [29.03.EO2] Standardized reporting documents may include basic components depending on the report format used.

Collision investigation format [29.03.EO3] The type of format used when investigating a collision that takes place on a highway and results in serious personal injury, **or** results in a fatality (no matter if the collision took place on or off a highway). The report contains such information as a face sheet, data sheet, narrative, collision sketch and factual diagram.

Collision report format [29.03.EO4] Involves property damage and minor injuries.

Facts on report narratives [29.03.EO7] Facts should include specifics of the notification, scene description, involved parties, physical evidence at the scene, or other factual information.

Statements on report narratives [29.03.EO8] Made by involved parties or witnesses.

Continued on next page

Chapter Synopsis, Continued

Opinions and conclusions on report narratives
[29.03.EO9]

Summation of what, how, and why took place based on evidence and/or statements. The area of impact and how it was determined. Which party is determined to be at fault and how it was determined, and an intoxication narrative (if applicable).

Recommendations on report narratives
[29.03.EO10]

Follow-up actions needed for the investigation

Collision sketches and factual diagrams
[29.03.EO11, 29.03.EO12, 29.03.EO13]

Sketches and diagrams made by the investigating officer provide a visual representation of the officer's opinions and the factual elements of the scene. Each can be used to reinforce the narrative portion of the investigation or report.

Components of a traffic collision report
[29.03.EO14]

There are several different components to a traffic collision report that include, but are not limited to, descriptions and identification of injuries, parties involved, vehicles and other key elements of the collision site.

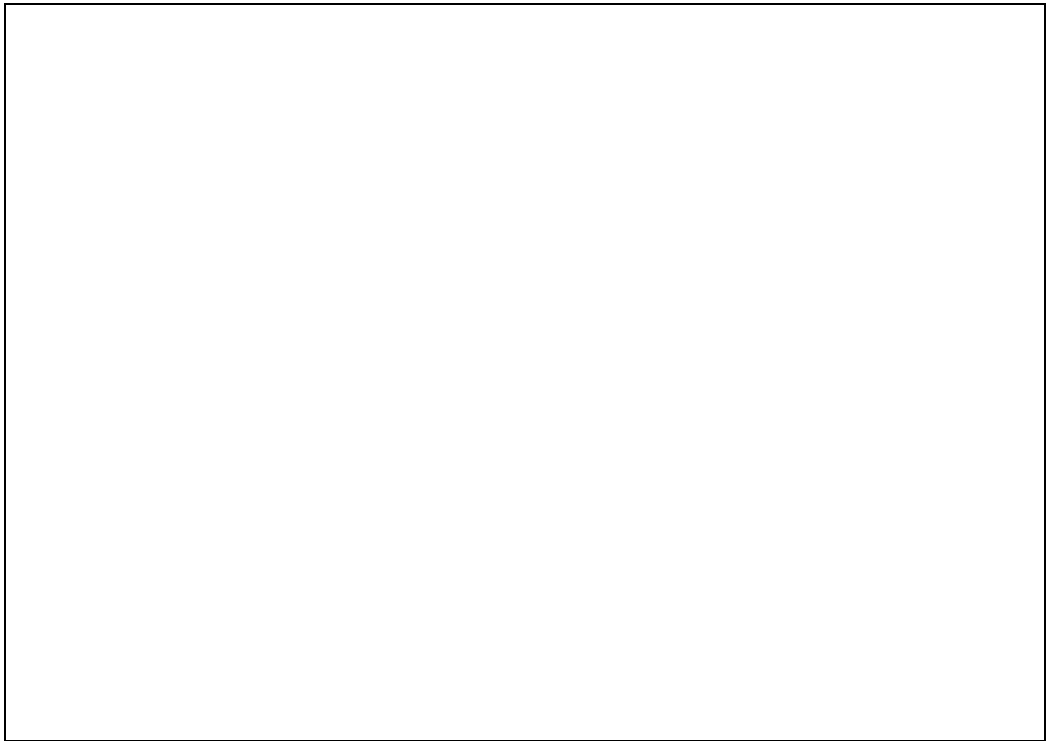
Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. Using the symbols provided in the *Supplemental Materials* portion of this workbook, create a freehand collision sketch for each of the following scenarios. Be sure to include all necessary components of a collision sketch. To the left of your sketch, identify the primary collision factor for that incident.



Driver of vehicle 1 is exiting the parking lot of a commercial establishment and is making a right turn onto the right lane of Elm Street. Elm Street runs East/West and has two 15 foot lanes on each side of a raised concrete median strip. The parking lot is North of Elm Street.

Driver of vehicle 2 is traveling West on Elm Street at a safe speed. It is in the right lane. Vehicle 1 strikes the right front fender of vehicle 2.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

1. (continued)



The driver of vehicle 1 has just stopped at a drive-through restaurant and is now returning to the office with his lunch. While driving he looks over at the seat next to him while attempting to retrieve a french fry from the food bag. When he looks up again he realizes that the vehicle in front of him has stopped to let a pedestrian cross the street in a designated crosswalk. Although the driver of vehicle 1 applies his brakes, he is unable to stop in time. In order to miss colliding with vehicle 2, the driver of vehicle 1 swerves off the roadway to the right and strikes a parked car.

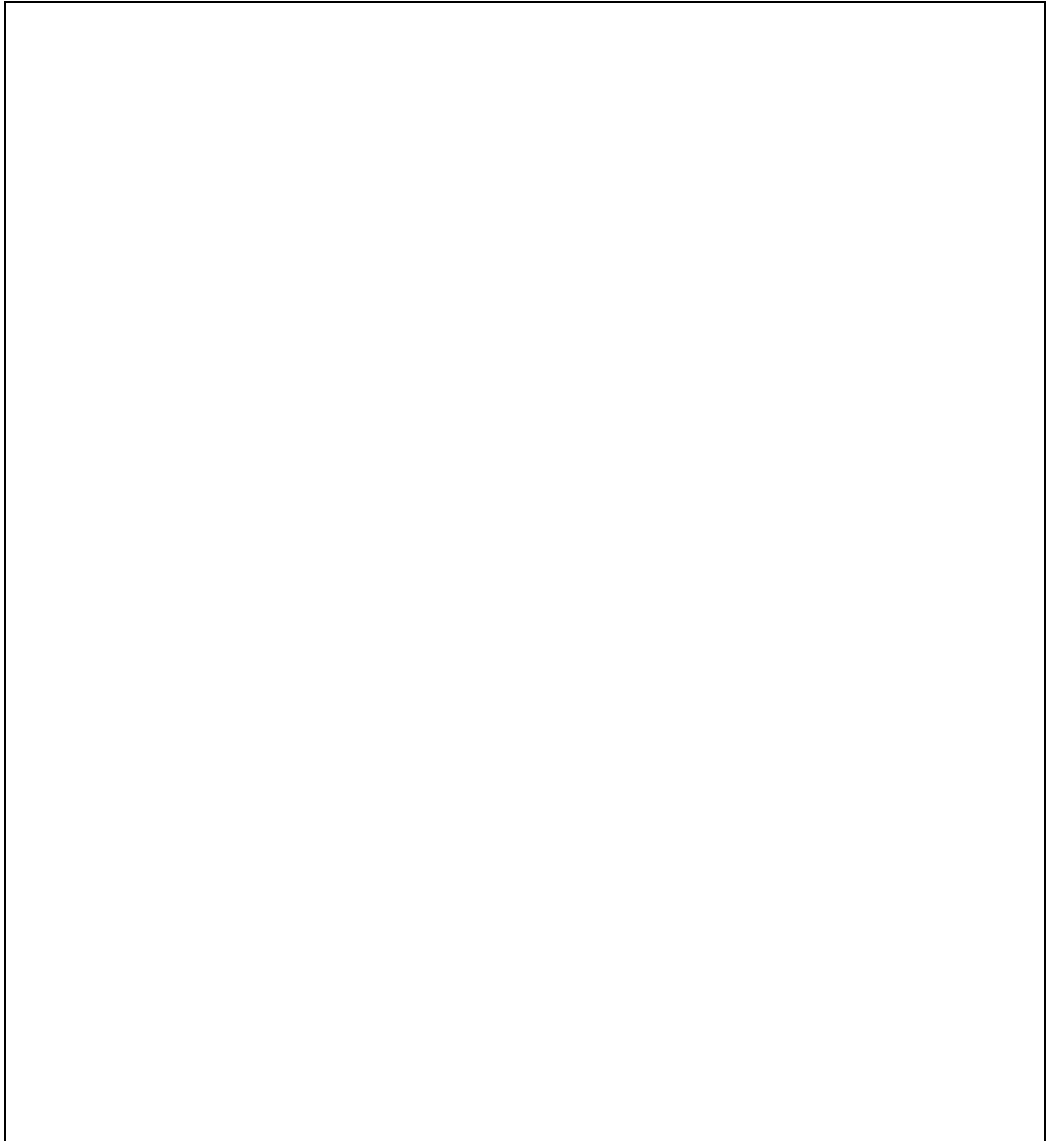
Both vehicles are traveling North on Maple Street which is a two lane street with a broken yellow line between the lanes. There are a number of cars parked along the wide shoulders on both sides of the street. The pedestrian is traveling from the East to the West side of Maple Street. The collision takes place just before the intersection with Hickory Street. Hickory runs East/West and is a two-way residential street with no lane markings.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

2. Regarding the first scenario in question number 1: Assume that the driver of vehicle 2 is seriously injured in the collision. Create a factual diagram that might accompany your collision investigation format. You may create your own physical evidence and measurements of the collision scene. Use the appropriate symbols included in the *Supplemental Materials* portion of this workbook.



Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

2. (continued)

Create a legend indicating the position of each piece of evidence and the location of each vehicle. Be sure to include the appropriate number of measurements along with appropriate compass coordinates.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. Write three examples of vehicle collision situations that may require documentation in the form of a collision investigation format. Write three more examples that may require documentation in the form of a collision report format.

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

4. Match the content items listed on the right with the appropriate collision narrative category on the left.
- | | | |
|-----------------------------|-------|---|
| A. Facts | _____ | A description of how the primary collision factor was determined |
| B. Statements | _____ | A witness's account of the events that took place just prior to the collision |
| C. Opinions and Conclusions | _____ | A request for prosecution of the involved party who was most at fault for causing the collision |
| D. Recommendations | _____ | A brief description of how the investigating officer was notified of the collision |
| | _____ | A description of a party's actions that led the investigating officer to believe the person was intoxicated |
| | _____ | Descriptions of the type and amount of debris at the collision scene |
| | _____ | A record of the disposition of collected evidence from the collision scene |
| | _____ | A complete description of how the collision occurred |
| | _____ | The questions asked to obtain information from an involved party |
-

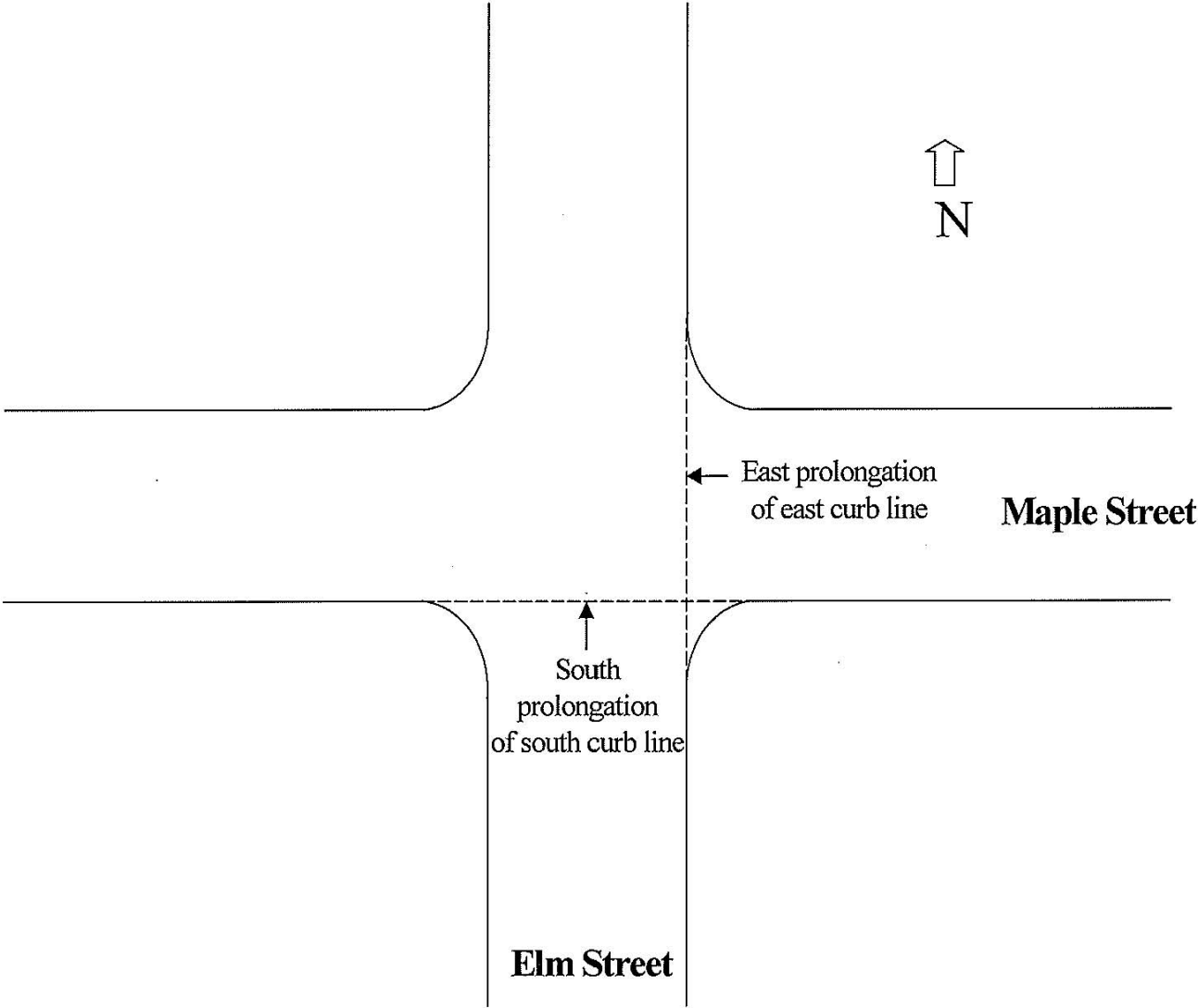
Supplementary Material

In this section

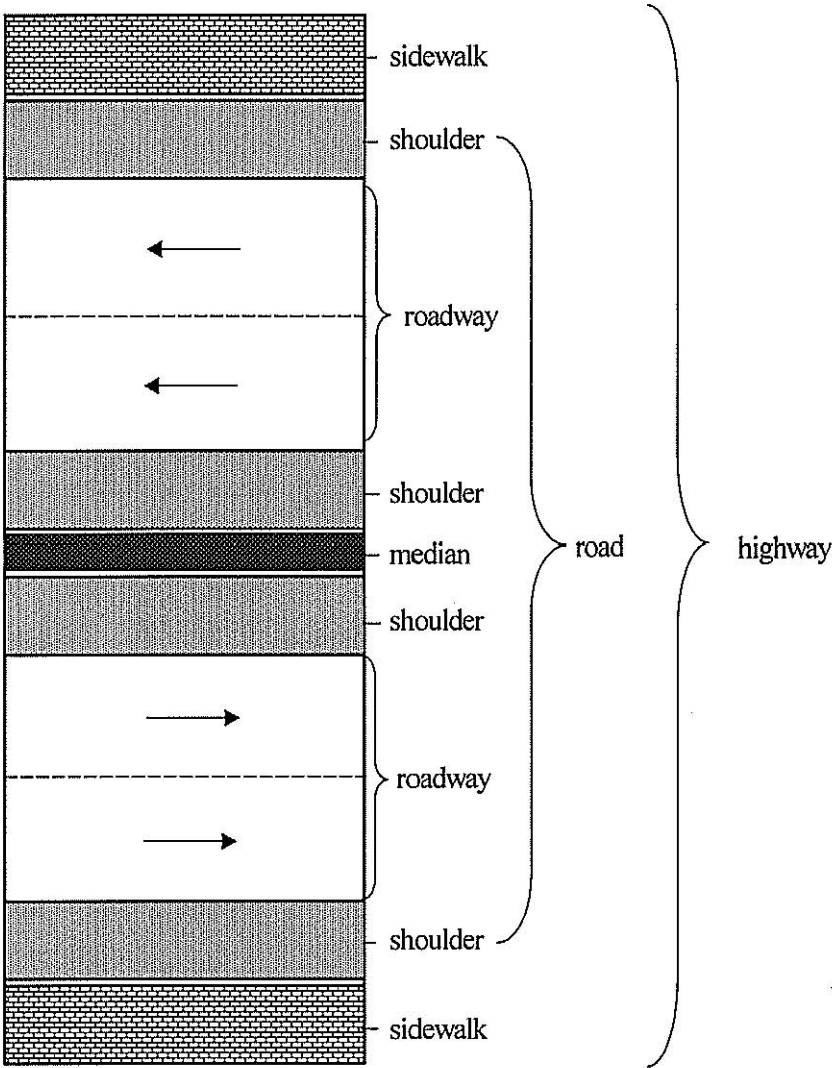
Refer to the following table for specific reference documents included in this section.

Topic	See Page
Prolongation Example	S-2
Roadways and Highways	S-3
Types of Skid Marks	S-4
Coordinate Measurement Technique	S-7
Station Line Measurement Technique	S-9
Triangulation Measurement Technique	S-12
Collision Sketch Symbols	S-13
Collision Sketch Examples	S-14
Factual Diagram Symbols	S-17
Factual Diagram Examples	S-20
Recommended Abbreviations	S-21

Prolongations Example



Roadways and Highways



Types of Skid Marks

Types of skid marks

There are a number of different types of skid marks that may be left at the scene of a vehicle collision. The most common are identified in the following table.

	Definition	Characteristics	Measurement
Locked Wheel Skid	A mark left by a nonrotating wheel.	<ul style="list-style-type: none"> • Friction causes rubber to melt onto the road surface • Darker edges with a lighter center usually indicates a front wheel skid • Lighter edges with a darker center usually indicates a rear wheel skid 	Each mark should be measured individually from beginning to end.
Impending Skid	A mark left by a braked wheel rotating slower than the forward motion of the vehicle that is traveling in a straight or curved line	<ul style="list-style-type: none"> • Made before the vehicle wheel lock up • Rubber is not melted onto the road surface • Mark may be perishable • Starts lighter and ends darker • End of an impending skid mark will generally be the beginning of a locked wheel skid mark. 	Each mark should be measured individually from beginning to end.

Continued on next page

Types of Skid Marks, Continued

Types of
skid marks
(continued)

	Definition	Characteristics	Measurement
Skip Skid	A mark that occurs when a locked wheel bounces off the roadway	<ul style="list-style-type: none"> • Marks are usually uniform in length. • Spaces between marks are usually two to three feet in length. 	Mark should be measured from the beginning of the first mark to the end of the last mark (including all spaces in between).
Gap Skid	A mark left by a locked wheel that is released and locked again	<ul style="list-style-type: none"> • Each mark is preceded by an impending skid mark. • Gaps between marks are typically ten feet or more in length. 	Each mark should be measured separately.
Side Skid	A mark left by a rotating or nonrotating tire that is sliding or slipping sideways to its original direction of travel	<ul style="list-style-type: none"> • Can be wider than a locked wheel skid mark • Brush marks parallel to the skid mark 	Each mark should be measured individually from beginning to end.

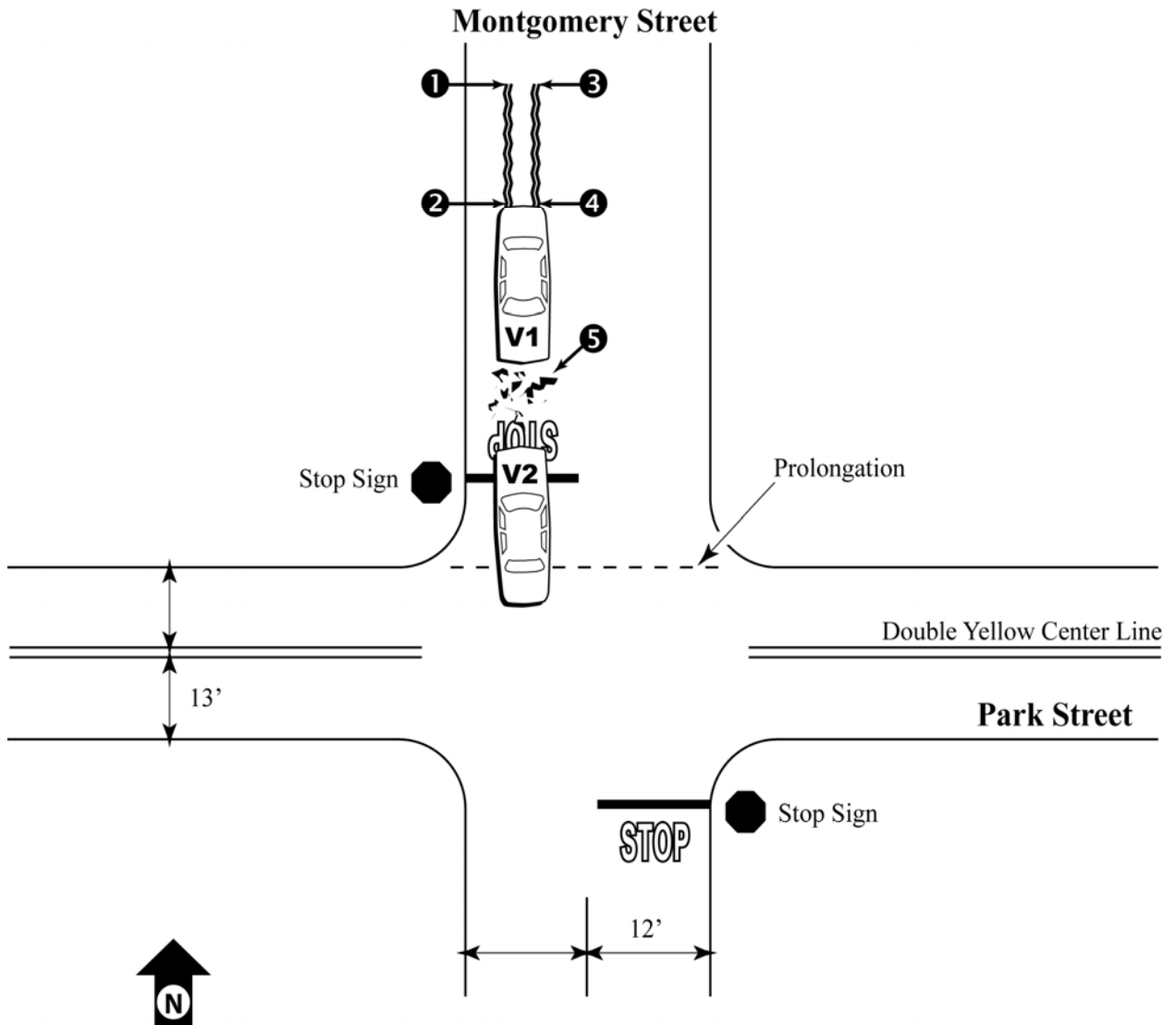
Continued on next page

Types of Skid Marks, Continued

Types of
skid marks
(continued)

	Definition	Characteristics	Measurement
Acceleration Scuff	A mark created by a propelling force or thrust generated in an amount exceeding the pavement efficiency	<ul style="list-style-type: none"> • Usually caused by no more than one or two wheels • May not be in a straight line • Marks usually start out dark, gradually lightens, then dissipates. 	Each mark should be measured individually from beginning to end.
Critical Speed Scuff (Centrifugal Skid mark)	A mark left by a rotating wheel rounding a curve or turning at such a speed that centrifugal force entirely or partially overcomes frictional resistance	<ul style="list-style-type: none"> • In the form of an arc • Starts very narrow and broadens • Striation marks are at oblique angles • Must be a rotating wheel 	Each mark should be measured using a chord and mid-ordinate.
Collision Scrub	A mark made during engagement of the vehicles involved in a collision	<ul style="list-style-type: none"> • Usually caused by extreme downward pressure • Start abruptly • Short and usually broad • Usually dark color • Often angles off from original skid mark 	Each mark should be measured individually from beginning to end.

Coordinate Measurement Technique



Continued on next page

Coordinate Measurement Technique, Continued

State of California				Page	
NARRATIVE/SUPPLEMENTAL					
DATE OF INCIDENT/OCCURRENCE		TIME (2400)	NCIC NUMBER	OFFICER I.D.	NUMBER
X ONE <input type="checkbox"/> Narrative <input type="checkbox"/> Supplemental		*X* ONE <input type="checkbox"/> Collision Report <input type="checkbox"/> Other:		*X* ONE <input type="checkbox"/> BA update <input type="checkbox"/> Hazardous material <input type="checkbox"/> Fatal <input type="checkbox"/> School Bus <input type="checkbox"/> Hit and run update <input type="checkbox"/> Other:	
CITY/COUNTY/JUDICIAL DISTRICT				REPORTING DISTRICT/BEAT	CITATION NUMBER
LOCATION/SUBJECT				STATE HIGHWAY RELATED <input type="checkbox"/> YES <input type="checkbox"/> NO	

1 **PHYSICAL EVIDENCE LEGEND:**

2

3 **VEHICLE POINTS OF REST:**

4

5 V-1 The R/R tire was located approximately 3 ft. east of the west roadway edge line of Montgomery Street
 6 and 35 ft. north of the north roadway edge prolongation of Park Street.

7

8 The R/F tire was located approximately 3 ft. east of the west roadway edge line of Montgomery Street
 9 and 23 ft. north of the north roadway edge prolongation of Park Street.

10

11 V-2 The R/R tire was located approximately 2 ft. east of the west roadway edge line of Montgomery Street
 12 and 6 ft. north of the north roadway edge prolongation of Park Street.

13

14 The R/F tire was located approximately 2 ft. east of the west roadway edge line of Montgomery Street
 15 and 4 ft. north of the north roadway edge prolongation of Park Street.

16

17 **PHYSICAL EVIDENCE DESCRIPTIONS:**

18

Item	Description
19 1	Begin 16' long skidmark.
20 2	End of 16' long skidmark
21 3	Begin of 16' long skidmark
22 4	End of 16' long skidmark
23 5	4' diameter debris pile measured from center.

24

25 **PHYSICAL EVIDENCE LOCATIONS:**

26

27 Item 1 was located approximately 3 feet east of the west roadway edge line of Montgomery Street and 49 feet
 28 north of the north roadway edge prolongation of Park Street.

29

30 Item 2 was located approximately 3 feet east of the west roadway edge line of Montgomery Street and 35 feet
 31 north of the north roadway edge prolongation of Park Street.

32

33 Item 3 was located approximately 7 feet east of the west roadway edge line of Montgomery Street and 49 feet
 34 north of the north roadway edge prolongation of Park Street.

35

36 Item 4 was located approximately 7 feet east of the west roadway edge line of Montgomery Street and 35 feet
 37 north of the north roadway edge prolongation of Park Street.

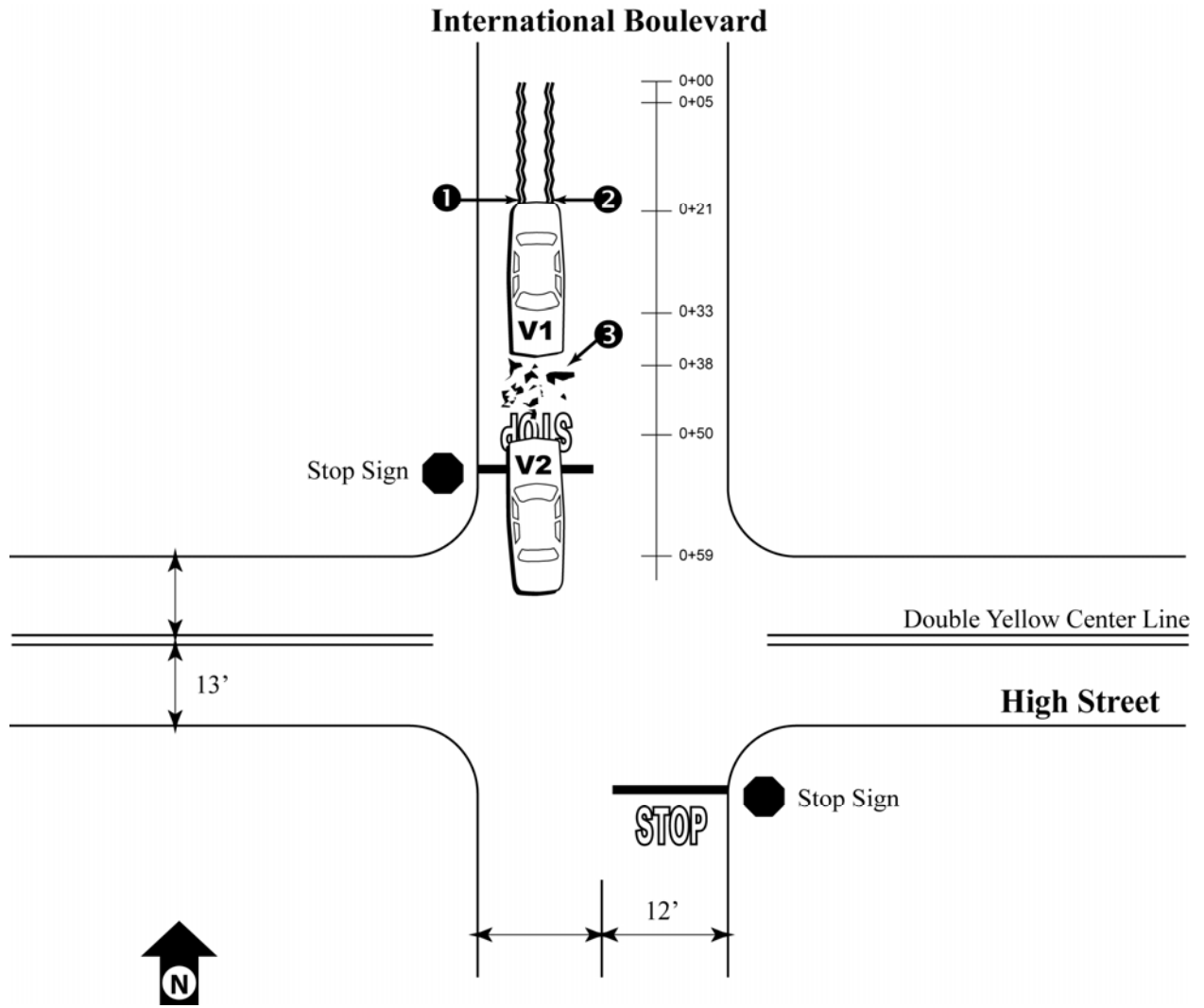
38

39 Item 5 was located approximately 5 feet east of the west roadway edge line of Montgomery Street and 17 feet
 40 north of the north roadway edge prolongation of Park Street.

40

PREPARER'S NAME AND I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
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Station Line Measurement Technique



Continued on next page

Station Line Measurement Technique, Continued

State of California		Page	
NARRATIVE/SUPPLEMENTAL			
DATE OF INCIDENT/OCCURRENCE	TIME (2400)	NCIC NUMBER	OFFICER I.D. NUMBER
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CITY/COUNTY/JUDICIAL DISTRICT		REPORTING DISTRICT/BEAT	CITATION NUMBER
LOCATION/SUBJECT		STATE HIGHWAY RELATED <input type="checkbox"/> YES <input type="checkbox"/> NO	

1 **PHYSICAL EVIDENCE LEGEND:**

2
3 **VEHICLE POINTS OF REST:**

4
5 V-1 The R/R tire was located approximately 3 ft. east of the west roadway edge line of Montgomery Street
6 and 35 ft. north of the north roadway edge prolongation of Park Street.

7
8 The R/F tire was located approximately 3 ft. east of the west roadway edge line of Montgomery Street
9 and 23 ft. north of the north roadway edge prolongation of Park Street.

10
11 V-2 The R/R tire was located approximately 2 ft. east of the west roadway edge line of Montgomery Street
12 and 6 ft. north of the north roadway edge prolongation of Park Street.

13
14 The R/F tire was located approximately 2 ft. east of the west roadway edge line of Montgomery Street
15 and 4 ft. north of the north roadway edge prolongation of Park Street.

16
17 **PHYSICAL EVIDENCE DESCRIPTIONS:**

Item	Description
18 1	Begin 16' long skidmark.
19 2	End of 16' long skidmark
20 3	Begin of 16' long skidmark
21 4	End of 16' long skidmark
22 5	4' diameter debris pile measured from center.

23
24 **PHYSICAL EVIDENCE LOCATIONS:**

25
26 Item 1 was located approximately 3 feet east of the west roadway edge line of Montgomery Street and 49 feet
27 north of the north roadway edge prolongation of Park Street.

28
29 Item 2 was located approximately 3 feet east of the west roadway edge line of Montgomery Street and 35 feet
30 north of the north roadway edge prolongation of Park Street.

31
32 Item 3 was located approximately 7 feet east of the west roadway edge line of Montgomery Street and 49 feet
33 north of the north roadway edge prolongation of Park Street.

34
35 Item 4 was located approximately 7 feet east of the west roadway edge line of Montgomery Street and 35 feet
36 north of the north roadway edge prolongation of Park Street.

37
38 Item 5 was located approximately 5 feet east of the west roadway edge line of Montgomery Street and 17 feet
39 north of the north roadway edge prolongation of Park Street.

PREPARER'S NAME AND I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
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Station Line Measurement Technique, Continued

State of California						Page	
NARRATIVE/SUPPLEMENTAL							
DATE OF INCIDENT/OCCURRENCE		TIME (2400)		NCIC NUMBER		OFFICER I.D. NUMBER	
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CITY/COUNTY/JUDICIAL DISTRICT						REPORTING DISTRICT/BEAT	CITATION NUMBER
LOCATION/SUBJECT						STATE HIGHWAY RELATED <input type="checkbox"/> YES <input type="checkbox"/> NO	

1 **PHYSICAL EVIDENCE LEGEND:**

2
3 **STATION LINE:**

4
5 A station line was established along the west roadway line of Montgomery Street Station 0+00 was
6 established 55 feet north of the north roadway edge prolongation of Park Street. The station line increases
7 as you proceed south. All measurements were taken at right angles to the station line.

8
9
10 **VEHICLE POINTS OF REST:**

Vehicle	Wheel	Distance	Direction	Station
V-1	R/R	3'	L	0+21
V-1	R/F	3'	L	0+33
V-2	R/R	2'	L	0+50
V-2	R/F	2'	L	0+59

11
12
13
14
15
16
17
18
19 **PHYSICAL EVIDENCE DESCRIPTIONS:**

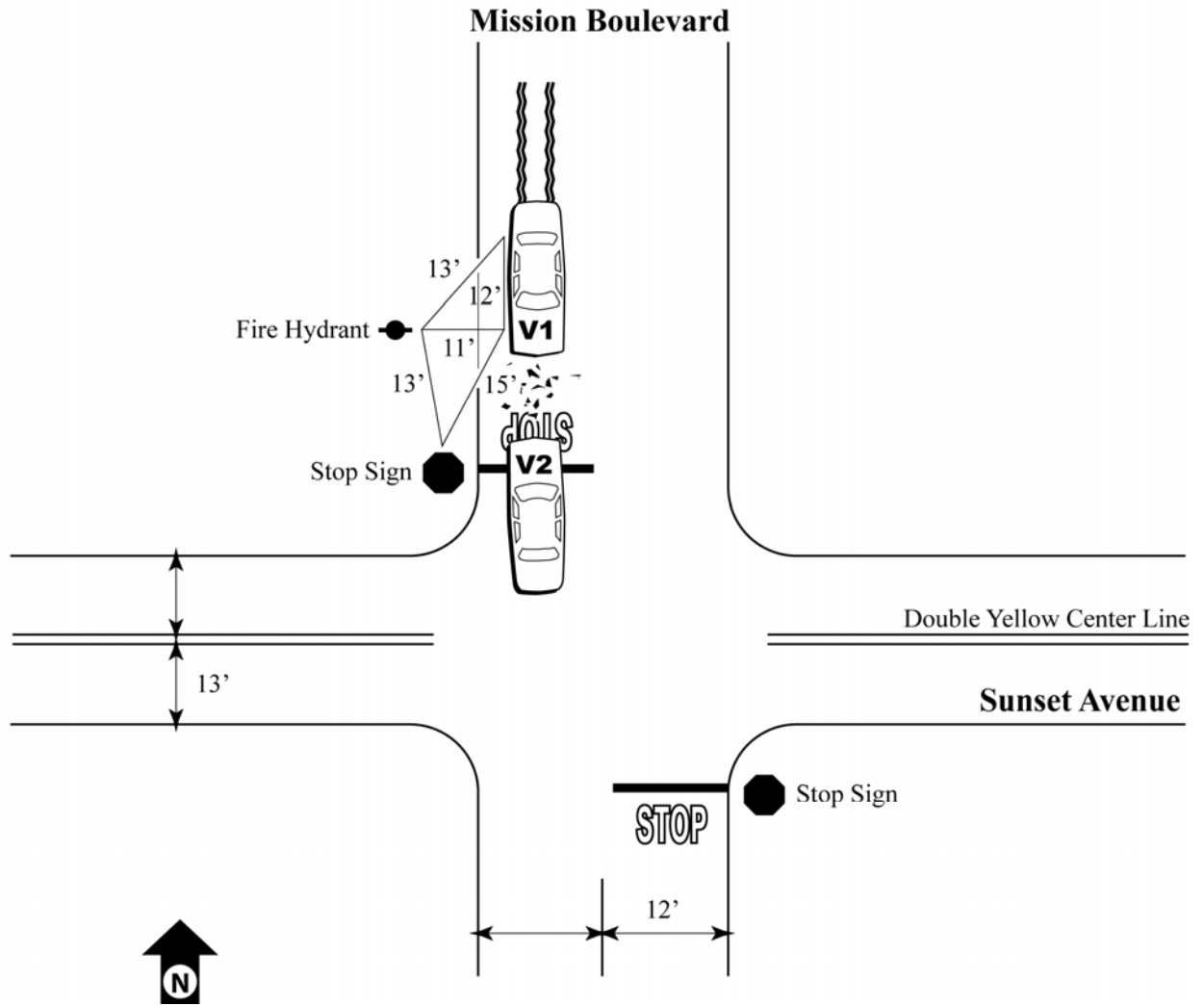
- 20
21 Item 1 16' long skidmark, left by Vehicle #1.
22 Item 2 16' long skidmark, left by Vehicle #1.
23 Item 3 4' diameter debris pile measured from center.

24
25
26 **PHYSICAL EVIDENCE LOCATIONS:**




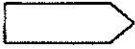








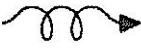

Item	Description	Distance	Direction	Station
1	Begin	3'	L	0+05
1	End	3'	L	0+21
2	Begin	7'	L	0+05
2	End	7'	L	0+21
3	Debris center	5'	L	0+38

PREPARER'S NAME AND I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
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Triangulation Measurement Technique

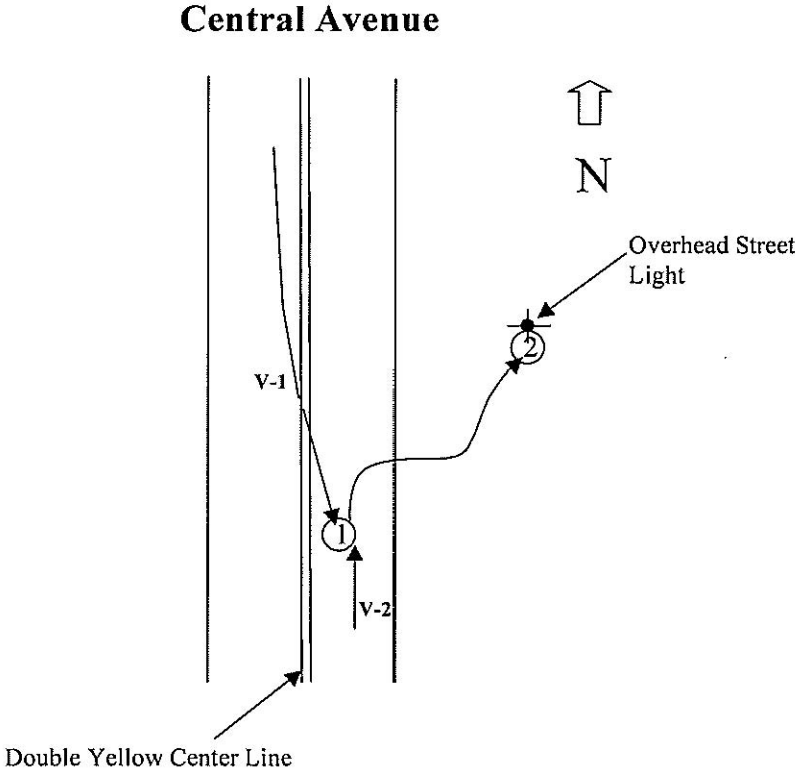


Collision Sketch Symbols

Vehicle (not parked) or bicycle	
Pedestrian or animal	
Train	
Parked Vehicle	
Head-on	
Head-on sideswipe	
Rear end	
Overtaking sideswipe	
Approach turn	
Broadside	
Overtaking turn	
Out of control spinout	
Overtuned <small>(Maximum 2 loop regardless number of overturns)</small>	
Vehicle backing	

Collision Sketch Examples

Example

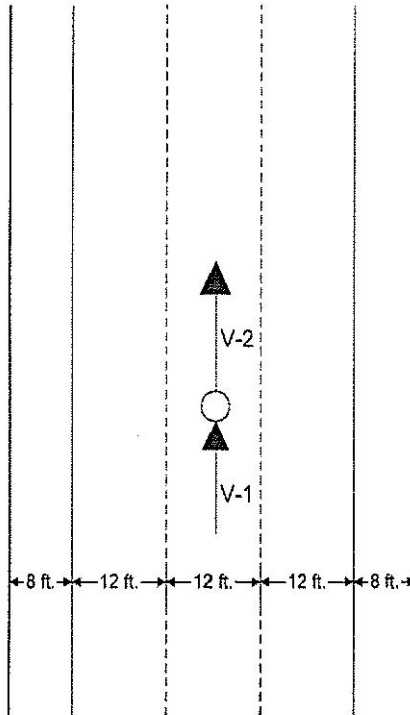


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Collision Sketch Examples, Continued

Example

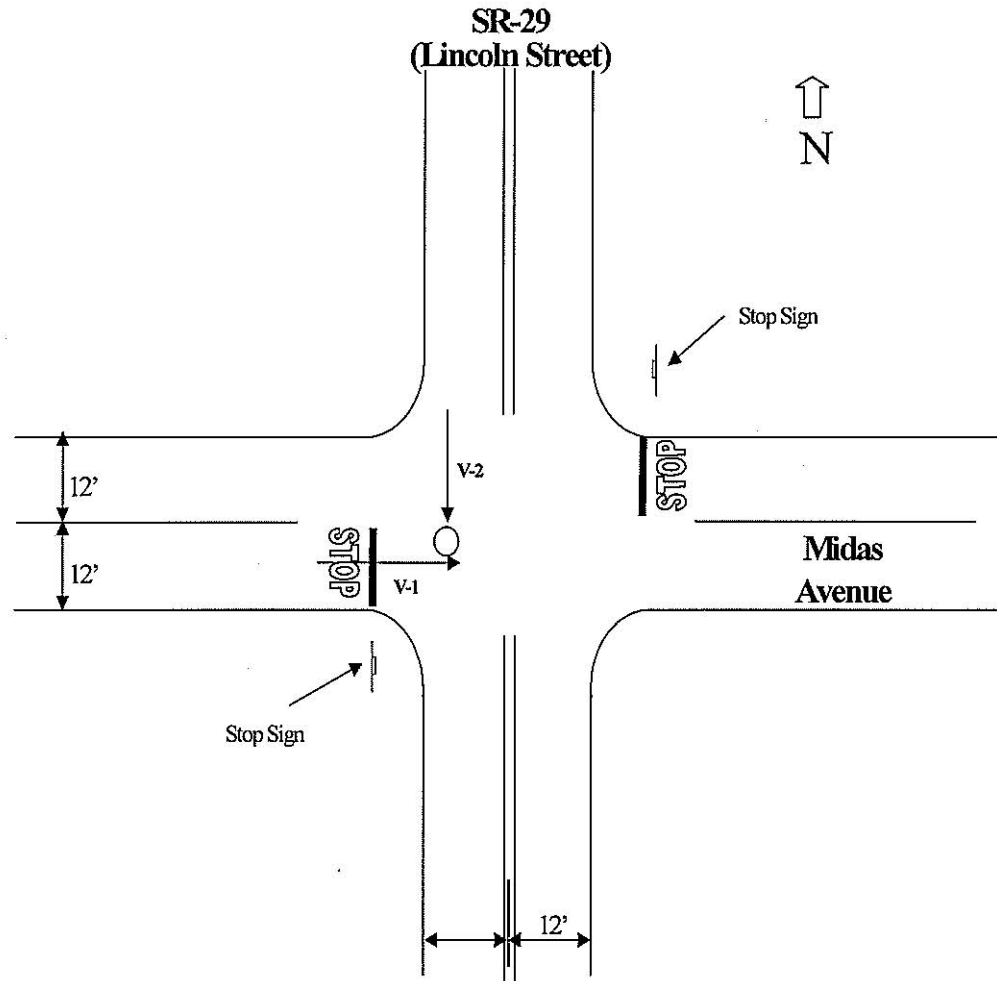
I-5 N/B (Golden State Fwy)



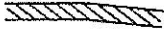

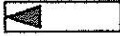
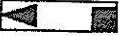



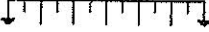


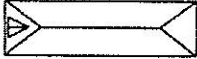
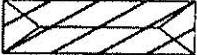
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Collision Sketch Examples, Continued

Example

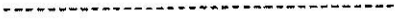
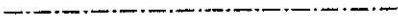






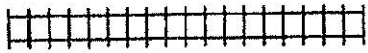
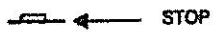



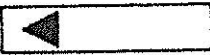






Factual Diagram Symbols

Abutment or wall	
Animal	
Automobile	
Automobile (damage)	
Camera	
Debris	
Double line	
Embankment (The arrow should indicate downhill)	
Fence	
Guard fence or rail	
House or building	
House or building (view obstructed)	

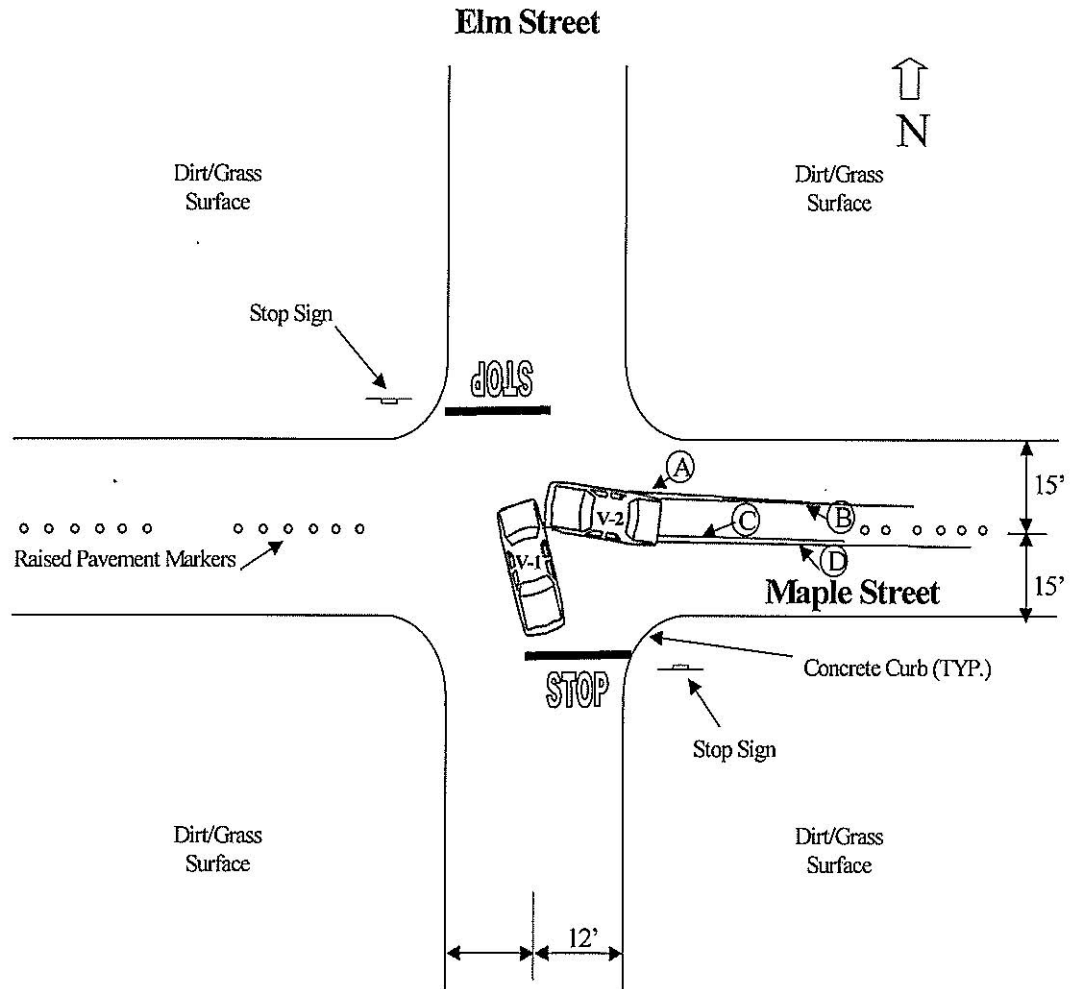
Continued on next page

Factual Diagram Symbols, Continued

Lane line	
Marked center line	
No passing line	
Pavement edge	
No passing line	 or 
Pedestrian	
Fluid spill, water, oil, blood, etc.	
Railroad track	
Sign (show message)	
Signal	
Signal (overhanging)	
Skidmarks	
Streetcar/Bus	
Street light	
Street light (overhanging)	
Tractor and trailer	
Truck	

Factual Diagram Examples

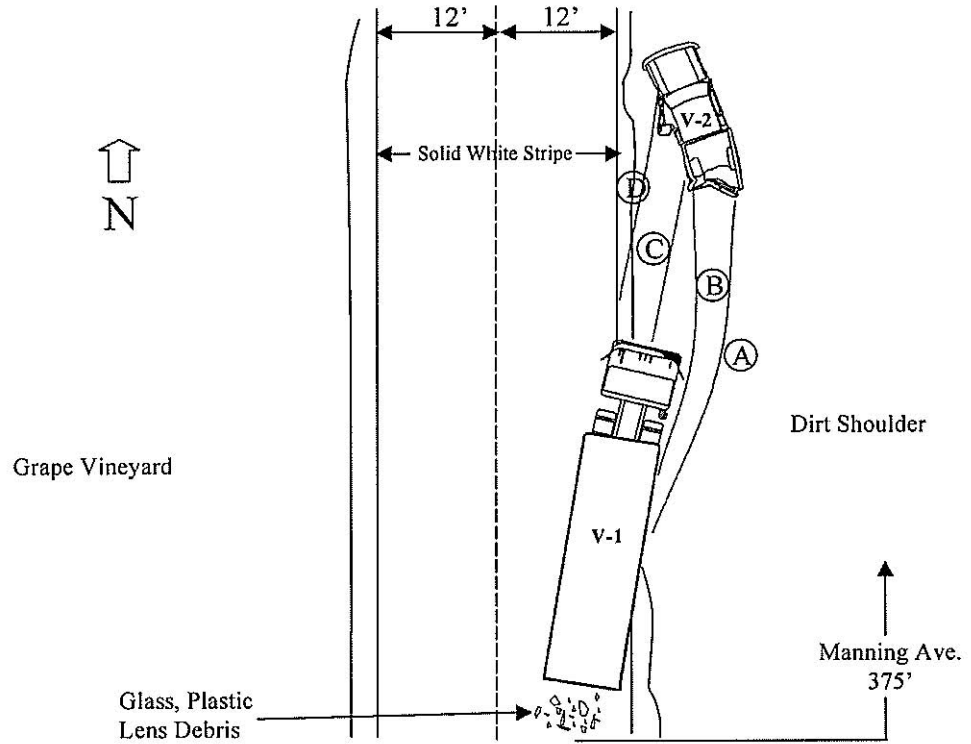
Example



Continued on next page

Factual Diagram Examples, Continued

Example



Recommended Abbreviations

A	Approximate Area of impact Avenue	APPROX AOI AV
B	Blood alcohol Boulevard Bridge	BA BL R
C	California Department of Transportation California Highway Patrol California Vehicle Code Canyon Circle City Street County County Ordinance County Road Court	Caltrans or DOT CHP CVC or VC CYN CIR CS CO CO ORO CR CT
D	Date of Birth or Birthdate Department of Motor Vehicles Direction District Attorney Drive Driver Driving Under Influence	DOB DMV DIR DA DR D- DUI
E	Eastbound Emergency Expired Expressway	E/B EMERG EXP EXPWY

Continued on next page

Recommended Abbreviations, Continued

F	Feet	FT
	Freeway	FWY

H	Had Been Drinking	HBD
	Highway	HWY
	Hit and Run	H/R
	Hours	HRS
	Hospital	HOSP

I	Identified or Indentity	ID
	Incorporated	INC
	Injury	INJ
	Interstate 1/	I-
	Investigation	INVEST
	Investigating Officer	I/O

J	Junction	JCT
----------	----------	-----

L	Lane	LN
	Left 2/	L/
	License	LIC

M	Mechanical	MECH
	Miles Per Hour	MPH
	Miscellaneous	MISC
	Misdemeanor	MISD

Continued on next page

Recommended Abbreviations, Continued

N	None in Possession	NIP
	Northbound	N/B
	North-South-East-West	N-S-E-W
	Number	NO

O	Of	/
	Overcrossing	O/C
	Officer	OFCR

P	Party 1/	P-
	Passenger	PASS
	Pedestrian	PED
	Penal Code	PC
	Property Damage Only	PDO
	Point of Rest	POR
	Police Department	PD
	Primary Collision Factor	PCF

R	Registered Owner	R/O
	Registration	REG
	Right 2/	R/
	Road	RD
	Roadway	RDWY
	Route	RT

S	Sheriff's Office	SO
	Southbound	S/B
	State Route 1/	SR-
	Street	ST

Continued on next page

Recommended Abbreviations, Continued

T	Temporary Traffic Collision	TEMP TC
U	Undercrossing Unincorporated United States 1/	U/C UNINC US-
V	Vehicle 1/ Vehicle Code	VEH or V- VC or CVC
W	Westbound Witness	W/B WIT
Y	Year	YR

Glossary

Introduction **The following glossary terms apply only to Learning Domain 29: Traffic Accident Investigation.**

alley Any highway having a roadway not exceeding 25 feet in width and which is primarily used for access to the rear or side entrances of abutting property
(*Vehicle Code Section 110*)

area of impact The geographical location at which the involved parties came into contact, as a result of the vehicle collision, with one another, another object, or a surface

associated collision factor Any factor(s) or vehicle code violation(s) that contributed to the collision, but was not the *main cause*

bias The perception of one's reality

chain of custody The written, witnessed, unbroken record of all individuals who have maintained control of or have access to any physical evidence

collision An unintended event that produces damage or injury (including fatal injury)

collision investigation report Documentation format used when reporting a collision that took place on a highway and involved personal injuries, or a collision (on or off a highway) resulting in a fatality

collision report Documentation format used when reporting a collision involving property damage and minor personal injuries

collision sketch An illustration of the collision scene that reflects the investigating officer's opinion how the vehicle collision occurred

Continued on next page

Glossary, Continued

counter report	Documentation format used when a property damage only collision is reported by an involved party at a law enforcement facility
crosswalk	Any portion of a roadway distinctly indicated for pedestrian crossing; at intersections of two roads which meet at approximate right angles, the crosswalk is the area within the prolongations of sidewalk boundary lines from one side of the road to the other (<i>Vehicle Code Section 275</i>)
driver	The person who is in actual physical control of a vehicle
evidence	Any testimony, writings, material objects, or other things presented to the senses, and offered to prove or help prove or disprove the existence or nonexistence of a fact (<i>Evidence Code Section 140</i>)
factual diagram	A drawing of the collision scene that represents the scene as found upon the officer's arrival; contains only factual information, not opinions
fixed point	Any <i>permanent</i> object or landmark that does not move
highway	A way or place of whatever nature (paved, gravel, etc.) that is publicly maintained and open to the use of the public for purposes of vehicular travel. A highway can include roadway(s), shoulders, and sidewalks (<i>Vehicle Code Section 360</i>)
in-transport	The state or condition of a vehicle when it is in use primarily for moving persons or property, including the vehicle itself, from one place to another.
interchange	A system of interconnecting roadways that provide the <i>interchange</i> of traffic between two or more roadways that are at different levels

Continued on next page

Glossary, Continued

intersection	The point where two highways join one another at approximately right angles; may also include the area where two highways join at any other angle (<i>Vehicle Code Section 365</i>)
interrogation	The process of questioning individuals who are under custodial arrest
interview	The process of gathering information from a person who has knowledge of the facts an officer will need to conduct an investigation
investigation	The systematic gathering of information from a variety of sources along with documentation of statements, evidence, observations, and findings
involved party	Anyone who is directly involved in a vehicle collision
median	The portion of a divided highway which separates the roadways from traffic moving in the opposite direction
non contact involved party	Any driver, pedestrian, or other person(s) (e.g., bicycles rider) not making any type of actual physical contact with involved vehicle(s) but, who directly caused another party to become involved in the collision
nontraffic collision	Any motor vehicle collision that occurs entirely at a place <i>other than a highway</i> (public or private)
pedestrian	Any person who is afoot, or who is using a means of conveyance other than a bicycle due to a physical disability

Continued on next page

Glossary, Continued

physical evidence

Any tangible objects that are relevant to the investigation

point of rest

The geographical location at which the involved vehicles come to a *final* position of rest after impact with one another, another object or a surface

primary collision factor

The *one* element or driving action which in the officer's opinion, *best* describes the primary or *main cause* of the collision

prolongation

A painted or imaginary extension of an existing curb line, roadway edge, sidewalk edge, etc.

reference point/line

Any fixed point/line from which a measurement is taken to locate a single spot in a given area

road

That portion of a highway that includes the roadway and any shoulder alongside the roadway

roadway

That portion of a highway designed or ordinarily used for vehicular traffic (*Vehicle Code Section 530*)

shoulder

The portion of the road next to the roadway used for accommodation of stopped vehicles, emergency stops, or lateral support of the roadway structure

sidewalk

The portion of a highway, other than the roadway, set apart by curbs, barriers, marking, or other delineation for pedestrian travel (*Vehicle Code Section 555*)

Continued on next page

Glossary, Continued

skid marks Darkened roadway material left by a tire that is not free to rotate and/or sliding or slipping over a surface

Statewide Integrated Traffic Records System (SWITRS) Data base of uniform collision data taken from standardized traffic collision reports

street One type of highway

tire impression (prints) Mark left by a rotating tire that has gone through liquid or other soft material leaving a “print” of the tire’s tread pattern; may also be found on an impressionable surface (e.g., snow, sand, mud, etc.)

traffic collision Any collision involving a motor vehicle in transport that occurs on a highway, or after the vehicle has left the road but before that event has stabilized

uninvolved party Any individual who an involved party claims contributed to the collision

Video Audio Evidence Ackn.pdf



Police Department
3500 Canyon Crest Dr
Riverside, CA 92507



Video/Audio Evidence Review Acknowledgment

In this case, there is video evidence that you will have an opportunity to view after you have given a public safety statement (if applicable). Video evidence has limitations and may depict the events differently than you recall, and may not depict any or all of the events as seen or heard by you. 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. You should not feel in any way compelled or obligated to explain any difference in what you remember and acted upon from what viewing the additional evidence provides you.

Read and Acknowledged:

Signature

Date and Time

Printed Name

Badge No.

Witnessed:

Signature

Date and Time

Printed Name

Title/Position

Line Inspection Form QR.pdf

Line Inspection Form



emergency_action_plan-1 (1).pdf

EMERGENCY ACTION PLAN (EAP)

University of California Riverside Main Campus Emergency Action Plan (EAP) covers those designated actions employers and employees must take to ensure employee safety from emergencies that arise within the workplace as required by the California Code of Regulations (CCR) Title 8, Section 3220.

*University of
California Riverside*



Emergency Action Plan
University of California Riverside
Main Campus

Plan Overview

Introduction

The following elements are included in this plan

- Evacuation procedures and emergency escape routes
- Procedures for employees who remain to operate critical plant operations before they evacuate
- Procedures to account for all employees after an emergency evacuation is completed
- Rescue and medical duties for those employees who are to perform them
- The preferred means of reporting fires and other emergencies
- The names, job titles, and departments of persons who can be contacted for further information or explanation of duties under the plan
- Alerting and Notification
- Contacts
- Emergency Procedures

Summary

It is the responsibility of the Campus Emergency Manager to create and maintain this campus-level plan Emergency Action Plan, which is intended to guide the emergency response actions of all campus personnel during an event that threatens life safety or daily operations. Nothing in this plan shall be construed in a manner that limits the use of good judgment and common sense in matters not foreseen or covered by the elements of the plan or any appendices. This plan also sets forth the operational fundamentals that will be used to manage response activities in the event of an emergency on the UC Riverside campus and at off-site facilities.

Authority

The UC Riverside Emergency Action Plan is created and distributed in accordance with UCR Campus Policy 425-24.

Purpose

The purpose of this plan is to establish the operational procedures necessary for campus personnel to respond to, and recover from, a significant emergency event in a timely and organized fashion. The University EAP also serves as the baseline by which all organizational and unit level Emergency Action Plans are developed. This plan and organization is subordinate to State and Federal plans during a disaster declaration by those authorities.

Approvals

The University of California Riverside Emergency Action Plan has been reviewed and approved by:

Thomas Stoner

Emergency manager, Interim

Sheila Hedayati

Executive Director, Environmental Health & Safety

Implementation Date: July 20, 2012

Date of last Revision: April 26, 2023

Evacuation Procedures & Emergency Escape Routes

Actions to Take

Many incidents (e.g. building fires, chemical releases, and police responses) could require an evacuation of all or part of the campus. All employees must evacuate the building they are in when notified to do so.

Prior to Exiting

When the building's fire alarm activates, or when notified to evacuate by UCPD, EH&S, Physical Plant, or a department representative:

- Stop all work activities
- If possible to do so without endangering yourself, shut down all operations that could produce hazards if left un-attended, and begin your evacuation immediately.
- Alert others around you that an evacuation is taking place and of their need to exit.
- Close doors behind you as you exit, but do not lock them
- Closed doors help contain fires, locked doors hamper rescue operations.

Unless it creates an unnecessary delay, gather your keys, purse or wallet as you evacuate, keeping in mind you may not be allowed back into the building for an extended time.

Evacuation Procedures For Critical Plant Operations Employees

Safety is a top priority at UCR, and there are no critical operations worth risking one's welfare to perform. If you believe your department has critical operations requiring one or more employees to remain in the building during an evacuation (this should be a rare occurrence), you must contact the Campus Emergency Manager to develop a specific plan of action.

If you are unable to leave a building that is being evacuated to maintain critical processes that will create an increased hazard if left unattended, or you are injured or trapped, attempt to alert someone evacuating the building of your inability to leave.

Evacuation Routes / Exiting the Building

During a building evacuation, proceed to the nearest exit or stairwell if available. Use an alternate escape route if the stairwell is involved with fire, smoke, or otherwise obstructed. Each employee should be aware of at least two exit routes in their main building in the event one is compromised. **Walk, do not run, and do not use building elevators during an evacuation under any circumstances.**

Assist those who need assistance, especially physically challenged persons, to evacuate or in relocating them to an area of safe refuge. Do not move injured persons unless it is absolutely necessary. Persons involved with developing the local procedures need to address how to evacuate colleagues with special needs that are unable to evacuate on their own. Contact the Campus Emergency Manager for information and guidance on this topic.

Emergency Assembly Areas (EAAs)

Once outside, move away from the building and towards the building's primary Emergency Assembly Area (EAA). If the primary EAA is unavailable, proceed to the alternate EAA.

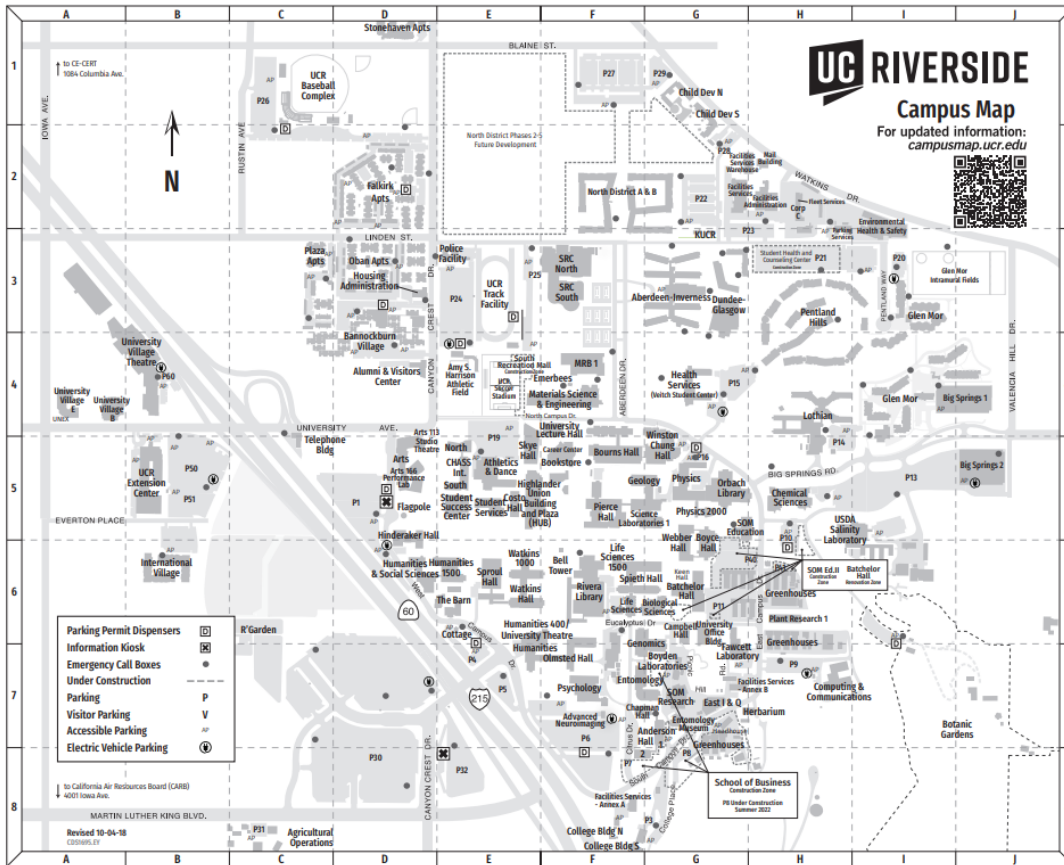
A map of UCR campus EAA's can be found at: <http://ehs.ucr.edu/emergency/aaa.pdf>.

Advise them of your name, department, and room number or location. Make sure they understand to advise the Building Supervisor for Emergency Conditions (BSEC) of the situation.

Take steps to reduce your exposure to additional risks posed by remaining in the building. If you are able to shut down or control critical processes, and subsequently evacuate, do so immediately. If you are injured or trapped remain where you are, unless in life threatening danger, so that rescue can be attempted by emergency responders alerted to your location.

No one can require anyone to remain inside a building that is being evacuated. Classes in session must evacuate as directed above. Your individual choice to remain in the building is only allowed for specific cases as indicated above.

Campus Map Emergency Assembly Areas (EAAs)



(Click on map for full page view)

Accounting for Employees after an Evacuation Procedures

Each campus EAA has a designated Building Supervisor for Emergency Conditions (BSEC) to act as the building's emergency point of contact and to manage EAA activities, along with trained Building Emergency Staff (BES) personnel to manage the evacuation process and assist with EAA activities.

Once you are safely at the EAA, be sure to notify the BSEC or BESs of the following:

- The name (if known) and location of persons you know are still in the building. Indicate the reason for their remaining, i.e. injuries, trapped, monitoring critical processes, etc., if known.
- Any information observed on your way out of the building regarding the emergency condition, e.g. visible flames, smoke, odors, spills, structural collapses, sounds, etc.

- Any existing conditions that remain in your work area that might endanger emergency responders or other personnel.

All evacuees are to remain at the EAA until directed otherwise by the BSEC, BES, UCPD, EH&S or other authorized personnel. Information related to the length of interruption or estimates of re-entry will generally be available from the BSEC once it is available from emergency responders regardless of the nature of the incident.

Do not re-enter the building for any reason, even if the alarm silences, until an all-clear is given by the UCPD, EH&S, the BSEC, BES, or other authorized personnel.

Assigned Job Responsibilities

Building Supervisor for Emergency Conditions (BSEC)

The BSEC is responsible for identifying and recruiting an alternate building BSEC (ABSEC) and Building Emergency Staff (BES) members in sufficient quantity for their building. The BSEC is also responsible for creating, updating, collecting, and maintaining building specific contact lists (calling trees), building specific accountability rosters, emergency equipment and supplies.

Once the evacuation process is complete and building occupants have gathered at the EAA, the BSEC is responsible for taking a roll call. The BSEC should, prior to an emergency, ensure an updated building occupant roster sheet is available and accessible for this process at the time of the evacuation. The BSEC is also responsible for informing the Emergency Operations Center (EOC) by or on-scene Incident Commander of the status of faculty, staff, students, visitors, and guests gathered within the EAA.

If needed, the BSEC can recruit volunteers to help BESs direct and manage evacuees in the Assembly Area

BSECs should be prepared to provide the following information:

- Nature of the emergency (e.g. fire)
- Location of the emergency
- Number of persons trapped
- Number of persons injured
- Number of persons unaccounted for

The BSEC should report any injuries in need of immediate care that are reported to them to the on-scene Incident Commander. Any other minor injuries should be documented and reported to the on-scene Incident Commander or the

campus EOC by utilizing their assigned 800MHz radio, phone call, or written notice. The BSEC ensures all important communication and information is exchanged between the on-scene Incident Commander or the EOC, and for sharing information as it becomes available with the evacuated personnel in the EAA.

The BSEC should not leave the assembly area until the emergency is cleared or if directed to do so by UCPD, EH&S, or other authorized personnel. The BSEC may assign a BES, or volunteer(s) from the assembled evacuees, to act as liaisons and assist with the collection and dissemination of information.

Building Emergency Staff (BES)

BES members initiate and manage the evacuation process. They accomplish this by:

- Directing occupants to the nearest building exit or stairwell
- Assisting personnel in exiting or relocation to an area of safe refuge
- Preventing personnel from using elevators during the evacuation process
- Conducting initial damage assessments during the evacuation process
- Identifying building conditions and hazards important to emergency responders
- Directing evacuated personnel to the building's assigned EAA

Upon arrival at the EAA, the BES is responsible for reporting to the BSEC that the evacuation of their designated area is complete, and reporting all physically challenged, trapped, or injured personnel remaining in the building. The BES is to assist the BSEC with completion of the Building Accountability Roster and any with any other assigned duties. The BES should also complete a Building Damage Assessment & Utility Status form.

Rescue and Medical Duties

First Responders

UCR relies on the City of Riverside Fire Department and partnering agencies to provide fire suppression, rescue, and medical response duties. It is recommended that departments document any employees that have specialized medical training in the Business Continuity Plan. These identified individuals should not practice outside the scope of

their training and are not required or expected to assist in any emergency or medical situation, but may come forth to offer or render aid and assistance as covered under "Good Samaritan" regulations.

Fire and Emergency Reporting Procedures

In the event of an emergency, contact University of California Police Department (UCPD) Dispatch by dialing **911** (from a landline phone) or (951) 827-5222 (from a cell phone).

When to call:

- Report a medical emergency
- Report all fire incidents, even if the fire is extinguished
- Report criminal or suspicious behavior
- Report any possible situation that you believe may be serious, and that may result in injury, death, loss of property, apprehension of a suspected criminal or prevention of a crime that is about to occur. Call even if you are in doubt about the seriousness of the situation.

What information to provide:

- Your Name
- The nature of the emergency
- The location of the emergency
- When the emergency happened
- How the emergency happened
- Whether or not you are in a safe location

Stay on the phone with the dispatcher until notified by the dispatcher to hang up, or emergency responders arrive on scene.

Alerting and Notification

Emergency Communications

If an emergency requires an evacuation of the building or for employees to take action, there are systems in place to provide notification. UCR's emergency alert and notification of employees is multi-layered for the purpose of redundancy. A variety of methods is available, though not all systems are available within each building on the UCR campus, nor are all systems deployed for every incident.

These notification systems include:

- Building fire alarms
- Text messaging from Emergency Notification System
- Verbal notification from UCPD, EH&S, Physical Plant, or a department representative
- Email (e.g., Scotmail)
- Website (<http://campusstatus.ucr.edu>, <http://rspace.ucr.edu>, <http://rweb.ucr.edu>)
- Voicemail systems
- Campus Warning Siren
- 800 MHz Radio

Other examples of notification methods include: Loud verbal commands, handheld & vehicle PA systems, phone trees, bullhorns, even just flashing the lights can be a way to get people's attention so they know there is an emergency/evacuation taking place.

Additional Information / Follow-up activities

Information concerning emergencies effecting UCR and the Riverside County region will be available to the campus community through the following resources:

- Campus Status website <http://campusstatus.ucr.edu>
- EH&S Emergency Management website <http://ehs.ucr.edu/emergency>
- Campus Radio KUCR: 88.3 FM or <http://kucr.org>
- Riverside Area News and Radio Stations
[KFRG 95.1 FM](#) or [KGGI 99.1 FM](#)
[KFI 640 AM](#) or [KNX 1070 AM](#)
- Emergency Alert System (EAS) Broadcasts

Contacts

Campus Responsibilities

The following are names, job titles, and departments of persons who can be contacted for further information or explanation of duties under the plan.

Department	Names / Job Title(s)	
Environmental Health & Safety http://ehs.ucr.edu Phone: (951) 827-5528 Fax: (951) 827-5122 Email: ehs@ucr.edu	Thomas Stoner <i>Campus Emergency Manager</i> Thomas.stoner@ucr.edu (951) 827-5528 Scott Jackson <i>Campus Fire Marshal</i> Scott.jackson@ucr.edu (951) 827-6309	Shelia Hedayati <i>Executive Director</i> Shelia.hedayati@ucr.edu (951) 827-5119
University of California Police Department (UCPD) http://police.ucr.edu Phone: (951) 827-5222 Fax: (951) 827-1639 Email: ucpdgeneralmail@ucr.edu	Jeffrey Talbott <i>Chief of Police</i> Jeffrey.talbott@ucr.edu (951) 827-3848	Jason Day <i>Police Lieutenant</i> jason.day@ucr.edu (951) 827-6188

Department Head / Chair Director Responsibilities

The Department is responsible for implementing essential elements of the EAP; planning, employee awareness training, the assignment of department personnel responsibilities (BSEC & BES positions), and annual Department EAP evaluation and maintenance.

The following duties must be performed to maintain an effective EAP:

- Develop, review, and update the Department EAP annually or as needed.
- Train all employees on the location of all emergency exits, fire extinguishers, manual pull stations, first aid kits, and Automated External Defibrillators (where applicable) within their assigned building/workspace.
- Ensure each person assigned space by the department creates and updates the Emergency Contact information for each room placard at <http://econtact.ucr.edu>.

Emergency Procedures

Emergency Procedures are available online at <http://ehs.ucr.edu> and <http://campusstatus.ucr.edu> for the following:

- Blood and Body Fluid exposure
- Bomb Threat
- Civil Disturbance or Demonstration
- Earthquakes
- Fire and Smoke Conditions
- Hazardous Material Exposure / Spill
- Homeland Security Incident
- Medical Emergencies and First Aid
- Radioactive Contamination / Spill
- Suspicious Mail or Packages
- Utility Failure
- Violence or Crime on Campus

retention_schedule (1).xls

UCPD 1041A - Outside Employment.pdf

NOTICE OF INTENT TO ENGAGE IN SECONDARY EMPLOYMENT

UCPD 1041A (Rev. 8-23)

NAME (LAST, FIRST, M.I.)	RANK/CLASSIFICATION	LOCATION	DATE
--------------------------	---------------------	----------	------

PROSPECTIVE EMPLOYMENT INFORMATION

NAME OF INDIVIDUAL OR FIRM	ADDRESS		
PRINCIPAL BUSINESS	Permanent Temporary	Intermittent Seasonal	TELEPHONE NUMBER
WORK DAYS AND HOURS	DURATION OF EMPLOYMENT (FROM - TO)		HOURS PER WEEK

EMPLOYEE'S CERTIFICATION AND UNDERSTANDING

I certify the information herein is true and correct to the best of my knowledge. Should my outside employment have an adverse effect upon my abilities to properly perform my duties with the University of California, I understand that my outside employment may be suspended or revoked at the discretion of the Chief of Police. I also certify I have read and understood departmental policy contained in Lexipol 1040. I understand my outside employment will be automatically suspended if: (1) employment differs from that described above; (2) conditions of employment are not adhered to; (3) any provision of the Lexipol 1040 is violated. I understand if I become ill or injured to the extent that I am unable to report to my full state duty assignment, or placed on limited duty status, my Department will require written assurance from an appropriate medical authority to ensure my secondary employment activity will not aggravate the injury nor prolong recovery (if an industrial injury, reports may be obtained from the worker's compensation provider).

EMPLOYEE'S SIGNATURE	I.D. NUMBER	DATE
----------------------	-------------	------

SUPERVISOR'S CERTIFICATION

SUPERVISOR'S SIGNATURE	I have investigated the proposed employment and have discussed the provisions of the Department's secondary employment activities statement with the employee and believe the employment to be: Compatible Incompatible
------------------------	---

COMMENTS (IF EMPLOYMENT IS JUDGED TO BE INCOMPATIBLE, SET FORTH REASONS. LIST SPECIAL CONDITIONS OR PROHIBITIONS GOVERNING THIS EMPLOYMENT. USE ADDITIONAL PAGES, IF NECESSARY)

CHIEF'S APPROVAL

CHIEF'S SIGNATURE	REQUEST Approved Disapproved	DATE DISCUSSED WITH EMPLOYEE
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COMMENTS (IF EMPLOYMENT IS DISAPPROVED, SET FORTH SPECIFIC REASONS. LIST SPECIAL CONDITIONS OR PROHIBITIONS GOVERNING THIS EMPLOYMENT. USE ADDITIONAL PAGES IF NECESSARY)

ANNUAL REVIEW

DATE	REVOKED	APPROVED	SUPERVISOR'S SIGNATURE	DATE	REVOKED	APPROVED	SUPERVISOR'S SIGNATURE

WORK OR DUTIES TO BE PERFORMED (Describe in detail. Attach additional sheet(s) if necessary)

body worn camera policy.pdf

Chapter XX: Body Worn Audio/Video Systems

PURPOSE

XX01. Body Worn Audio/Video Systems

The University of California is committed to officer safety and public safety. The University has equipped its police departments with body worn audio-visual cameras (“BWV’s”, “devices” or “cameras”) for use as part of the officer’s uniform for the recording of field activity in the course of official police duties. The cameras are intended to provide a visual and audio record of police duties, including public contacts, arrests, and critical incidents. BWV’s provide documentation to be used in criminal investigations and prosecutions, internal or administrative investigations, training, and other circumstances. They also serve to enhance the accuracy of police reports, testimony in court, and enhance the Department’s community relationship-based policing efforts.

Body worn cameras provide a limited perspective of any encounter and must be considered with all available facts and evidence, such as officer perception, witness statements, officer interviews, other available video documentation, forensic and/or expert analysis, and documentary evidence. The cameras cannot always show the full narrative nor do they capture an entire scene. The use of cameras does not reduce or alter the requirement to provide thorough written documentation as required by this or other policies.

Persons reviewing recordings must be cautious before conclusions are reached about what the video shows, or when evaluating the appropriateness of an officer’s actions in a particular situation. Evaluating an officer’s actions must take into account a variety of factors and other circumstances.

The University is committed to officer safety and public safety. Officers must follow existing officer safety policies when contacting citizens or conducting vehicle stops as outlined in Department policies and procedures. Officer safety and the safety of the public shall always be the primary consideration, not the ability to record an event.

This policy is intended to balance the respect for privacy and other University values with legal, policy, and administrative obligations. Officers should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion at all times.

POLICY

XX02. Required Users.

The following sworn personnel, from Lieutenant through Officer, are required to wear the BWV system while on duty, unless otherwise exempted by this Chapter:

- (a) Uniformed personnel while on regular assignment or on overtime status;
- (b) Detectives working in the field in an enforcement or specialized investigative (e.g., gang task force, violent crime task force) capacity, unless the use of BWV

- may compromise the identity of an undercover officer, confidential informant, or jeopardize tactics;
- (c) Personnel serving a search warrant, unless the use of the BWV may compromise the identity of an undercover officer, confidential informant, or jeopardize officer safety or tactics. Any exception to recording pursuant to this subsection (c) must receive prior approval from the Chief of Police or designee;
 - (d) Other sworn personnel deemed appropriate by the Chief of Police or designee.

XX03. Department Issued Equipment Only.

Officers assigned a BWV camera must not use any other non-Department issued video or audio equipment, such as personally owned video or audio equipment, mobile devices or cell phones, to record enforcement or investigative activities involving members of the public unless authorized by the Chief of Police or designee.

Nothing in this policy precludes officers or other Department personnel from using authorized still photography equipment.

XX04. Location of Body Worn Camera.

The BWV camera generally consists of a body-mounted camera with a built-in microphone. The BWV shall be worn on the outside of the outermost garment (e.g., load-bearing vest, raincoat) or other departmental approved mounting option, on the upper torso, and facing forward in such a way to facilitate optimum recording field of view.

XX05. Required Activation of Body Worn Camera.

Subject to the exceptions contained in this Chapter, or pursuant to the direction of a supervisor, officers shall activate their BWV device prior to initiating any criminal investigative or enforcement activity involving a member of the public, including all:

- (a) Vehicle or bicycle enforcement stops;
- (b) Pedestrian stops;
- (c) Calls for service;
- (d) Foot pursuits;
- (e) Searches (except strip searches);
- (f) Arrests;
- (g) Uses of force;
- (h) In-custody transports;
- (i) Witness or victim interviews;
- (j) Forced entry search warrants/tactical deployments;
- (k) When weapons other than those in the possession of law enforcement are present or alleged to be present;
- (l) Any encounter that becomes adversarial after the initial contact;
- (m) Initial inventory of seized money or high value property;
- (n) Crowd management events;

- (o) Other investigative or enforcement activities where, in the officer's judgment, a video recording would assist in the investigation or prosecution of a crime, or assist in documenting the incident for later investigation or review.

XX06. Exceptions to Required Activation or Continued Recording.

Exceptions to required activation or continuation of the BWV recording are:

- (a) When, in the officer's judgment, activation, continuing to record, or changing the BWV functions would jeopardize their safety or the safety of the public. However, the officer shall activate or re-activate their BWV as soon as it is safe and practicable to do so unless other exceptional circumstances exist;
- (b) When a witness or victim refuses to provide a statement if recorded by the BWV and the encounter is not confrontational;
- (c) When, in the officer's judgment, a recording would interfere with their ability to conduct an investigation;
- (d) When, in the officer's judgment, a recording would be inappropriate because of the victim or witness's physical condition, emotional state, age, or other sensitive circumstances;
- (e) When recording could risk the safety of a confidential informant, citizen informant, victim, or undercover officer;
- (f) In patient care areas of a hospital, clinic, rape treatment center, or other healthcare facility (including mental health) unless enforcement action is being taken in these areas. If recording is necessary, officers shall make reasonable efforts to avoid recording individuals other than the suspect;
- (g) Once a crime scene is secured and the officer no longer has an investigative role, and where the chance of encountering a suspect is unlikely;
- (h) Prior to or while discussing a case on scene with other officers or during on-scene tactical planning;
- (i) When, in the officer's judgment, privacy concerns outweigh any legitimate law enforcement interest in recording;
- (j) When ordered to stop recording by a supervisor;
- (k) When the recording of a person is in violation of the law.

XX07. Discretionary Activation.

There are many enforcement or criminal investigation situations where the use of the BWV is appropriate, and this policy is not intended to describe every circumstance in which recording would be appropriate or otherwise further the purpose of body cameras. In addition to the circumstance in which activation is required, officers should activate the camera any time they feel its use would be appropriate and valuable to document an on-duty incident, unless otherwise prohibited by this policy or law.

XX08. Assignments Temporarily Preventing BWV Use.

It is recognized that officers subject to call out, motorcycle officers, or K9 unit officers may not have access to their BWV equipment prior to responding to a scene, or participating in an enforcement or criminal investigation. In these cases, officers should pick up their camera as soon as practicable.

XX09. Recording of Entire Event.

Once activated, the BWV shall remain on until the conclusion of the contact or event, unless authorized by a supervisor or otherwise permitted under this Chapter.

XX10. Documentation of Recordings, Failure to Activate, or Discontinuation of BWV Recordings

Officers shall document, in the appropriate report (e.g., police report, traffic citation, CAD entry), if they have captured an incident, did not capture an incident, and/or if they interrupted the recording for any reason.

If an officer does not activate the BWV prior to initiating an enforcement or investigative contact, fails to record the entire contact, or interrupts the recording for any reason, the officer shall notify their supervisor of the reason(s) in writing.

XX11. Notice to Members of the Public of BWV Recording.

Officers are not required by law or this Chapter to obtain consent from members of the public when the officer is lawfully in an area where the recording takes place. However, officers may inform individuals they are recording, when feasible to do so, particularly when the advisement may gain compliance or cooperation, or assist in an investigation.

In addition, officers entering into a private space, (e.g., residences, restrooms, locker rooms), must make a reasonable effort to notify the occupants that the BWV is present before entering the area, unless: the officer enters the area pursuant to a warrant; such notice would, in the officer's judgment, jeopardize their safety or the safety of the public; such notice would compromise an investigation or tactics; or if other exigent circumstances exist.

XX12. Playback of BWV Recording.

Officers are not required to play back BWV recordings to allow members of the public to review the video footage in the field.

XX13. Prohibited BWV Recording.

The activation or use of the BWV is prohibited, unless otherwise authorized by this Chapter, during:

- (a) Department briefings, meetings, roll calls or while in private Department spaces such as locker rooms, break rooms or restrooms;

- (b) Non-work related activities or other activities not related to enforcement contact nor criminal investigation;
- (c) Private conversations with any other member of the Department without the written consent of all involved parties;
- (d) Department administrative investigations;
- (e) Homicide or other major crime briefings, or during a homicide walk-through;
- (f) Contact with confidential informants;
- (g) Depositions, court proceedings, pre-trial conferences, or any other judicial or quasi-judicial proceedings (e.g., administrative hearings such as Department of Motor Vehicle hearings);
- (h) While in a facility whose primary purpose is to provide psychiatric or medical services unless responding to a call for service involving a suspect or taking a suspect, victim, or witness statement;
- (i) While inside jail facilities;
- (j) Any area where audio or video recording is prohibited by law.

Nothing in this section is intended to interfere with an officer's ability to openly record an interrogation pursuant to California Govt. Code §3303(g), or to preclude activating the BWV when confronting a violent or assaultive suspect or other circumstance where a reasonable use of force may be anticipated.

XX14. Training.

Officers who are assigned the BWV must complete Department approved training in BWV policies, proper use, and maintenance of the device before using the system in the field. Supervisors must complete Department approved training in the supervision and management of the BWV system.

Supplemental training will be conducted when deficiencies are identified in policy compliance, use, maintenance, or supervision and management of the BWV system. Additional appropriate training will also be conducted should there be changes in policy, hardware, or software that affects the use, maintenance, supervision or management of the system.

XX15. Inspection and Testing of Equipment.

Officers shall be responsible for inspecting and testing their BWV equipment at the start of their shift and shall ensure that the equipment is properly functioning. Officers shall notify their supervisor, in writing, if the BWV equipment is not properly functioning. For purposes of this Chapter "in writing" shall include e-mail.

XXX16. Assigned BWV Equipment.

No officer shall use BWV equipment not assigned to them, unless authorized by a supervisor.

XX17. Damaged, Malfunctioning or Inoperable Equipment

The BWV equipment is the responsibility of the assigned officer and must be used with reasonable care to ensure proper functioning and reliability. If an officer's BWV malfunctions or is damaged or inoperable, the officer shall notify the on-duty supervisor. Campuses shall develop and implement local policies on notification and documentation of such notification.

If feasible, the supervisor shall provide the officer with a functional BWV prior to the officer deploying to the field. However, the lack of a BWV unit shall not prevent an officer from working their shift or assignment.

An officer shall not be held financially responsible for damaged, malfunctioning or inoperable equipment unless abuse of the equipment by the officer is found to be the cause.

XX18. Labeling, Categorizing and Uploading Recordings.

Officers shall label, categorize and upload their BWV recordings into the BWV data storage system in accordance with UCPD procedure(s).

XX19. Viewing Recordings by Recording Officer.

Subject to the exceptions in this Chapter, officers should review BWV recordings on their assigned device or authorized computer prior to documenting an incident, arrest, search, interview, use of force, or other enforcement or investigative activity to assist with reports, statements, and documentation that are accurate and complete. Officers must not use the fact that a recording was made to avoid preparing an accurate, detailed, and complete report.

XX20. Modification, Alteration, or Deletion.

No employee shall modify, alter, or delete video or audio once recorded by the BWV camera, except as authorized by Department policy.

XX21. Request for Deletion of Accidental Recording.

In the event of an accidental activation of the BWV where the resulting recording is of no potential investigative or evidentiary value, the recording officer may request that the BWV file be deleted by submitting a request in writing to the Chief of Police or designee who shall review the recording, and if approved, send the request to the system administrator for deletion.

XX22. Restriction of Personal or Sensitive Information.

In the event of a BWV recording that captures sensitive or personal information for which access should be restricted ("restricted recording"), an officer may submit a request in writing to the Chief of Police or designee to restrict access to that portion of the recording. The Chief of Police or designee will determine what, if any, portion of the recording shall be restricted. The system manager will then restrict access to only that portion of the recording that is approved. The remainder of the recording will be maintained consistent with existing policy.

XX22.1 Access to Restricted Recording by Auditor or Investigator.

The Chief of Police or designee may allow an investigator or auditor to view a recording that has been restricted pursuant to Section XX22 if the request is necessary in order to conduct an authorized criminal investigation, administrative investigation, or a Department inspection or audit.

- (a) **Notification Prior to Access of Restricted Recording.** Prior to granting access, the Chief of Police or designee must notify the officer who originally requested that the recording be restricted. If the original officer objects to the review, they shall immediately notify the Chief of Police or designee of the objection in writing within seven calendar days of receiving notification. Absent exigent circumstances, the restricted portion of the recording shall not be disclosed or reviewed by others until the Chief of Police or designee has made a determination regarding the objection and disclosure.

Once a final determination has been made, the original requesting officer will be notified in writing within 48 hours, and prior to release of the restricted information.

- (b) **Exception to Notification Requirement for Restricted Recording.** When notification of a request to review a restricted recording would compromise an ongoing administrative or criminal investigation, the notification requirement in Section XX22.1(a) shall not apply if approved by the Chief of Police or designee.

XX22.2 Access to Restricted Recording by Law Enforcement or by Legal Obligation.

If a restricted recording is requested by another law enforcement agency, or the Department is required to produce it by law, the officer who originally requested the information be restricted will be notified, absent exigent circumstances, of the request or legal requirement, within 48 hours, in writing.

XX23. Unauthorized Access to Recordings Prohibited.

Although the data captured by the BWV is not considered Criminal Offender Record Information (“CORI”), it shall be treated as such and in accordance with Department policy regarding access to CORI. All access to the system must be logged and is subject to audit at any time. Accessing, viewing, copying, or releasing BWV data, including recordings, for non-law enforcement purposes not otherwise authorized by this Chapter is strictly prohibited and will result in disciplinary action.

Access to BWV data shall only be from Department authorized computers, Department work stations or the BWV cameras. However, administrative users of the BWV data or evidence management system may access the data from a Department authorized device outside of the Department for the purpose of completing administrative tasks, such as locking or unlocking users.

XX24. Copying of BWV Recording or Data

Personnel shall not make copies of any BWV recording for personal use or to share with unauthorized individuals or entities. Only department authorized devices shall be used to copy, view, share, or otherwise distribute BWV recordings. Digital evidence captured by BWC are investigative records and shall be handled pursuant to existing Department policies and procedures.

XX25. Review of BWV Recordings by Departmental Employees.

Access to BWV data shall be limited as follows, unless otherwise provided for in this Chapter:

- (a) Officers may view their own BWV data for official Department business;
- (b) Any employee may review BWV data as it relates to:
 - (1) Their involvement in an incident for purposes of completing a criminal investigation and/or preparing official reports;
 - (2) Prior to courtroom testimony, courtroom presentation, or testimony at a quasi-judicial administrative hearing;
 - (3) Providing a statement in an administrative investigation.
 - (4) Providing a statement in a criminal investigation, including officer-involved shooting investigations and other uses of force;
 - (5) This section does not apply to sworn personnel providing a public safety statement following a critical incident.
- (c) When exigent circumstances exist, such as identifying a suspect or other pertinent information in the event of an injured officer;
- (d) Supervisors and/or investigators who are investigating an allegation of misconduct, may view the recording in order to assist in the investigation. For citizen complaints, a supervisor may independently review applicable video. For internally generated allegations of misconduct, a supervisor shall receive authorization from the Chief of Police or designee to review any applicable video;
- (e) Command staff may randomly review BWV recordings for the purposes of validity testing, including the review of one recording per officer per month. Any BWV system deficiencies identified will be documented and remedied. The method of random selection will be agreed upon between the Federated University Police Officers Association (FUPOA) and the UC Council of Chiefs. Any performance issues will be discussed with the officer and training provided. Any criminal activity will be investigated;
- (f) To allow for necessary administrative functions such as BWV data management, system maintenance and repair, and evidence management;
- (g) Command staff, supervisors, and authorized Department personnel may conduct random periodic inspections and reviews to determine whether Department personnel are accessing BWV recordings and data for legitimate and authorized purposes;
- (h) Supervisors may review BWV recordings, but not in violation of xx27, as follows:
 - (1) When necessary as part of the report approval process.

- (2) To ensure that the video and audio was properly captured, uploaded/downloaded;
- (3) To ensure that the video and audio was categorized appropriately for evidentiary or retention purposes;
- (4) To conduct roll call training on expectations, use and maintenance of BWV equipment. Any use of BWV recordings for training must comply with Section XX27 of this Chapter;
- (5) To debrief BWV-captured incidents of value after obtaining authorization from the Chief of Police or designee
- (6) In order to resolve citizen complaints pursuant to XX25(d).

XX26. Use of Recordings for Training.

A BWV recording may be used for training, as long as the recording will not be used for disciplinary purposes. Any person recommending a particular recording shall submit the recommendation through the chain of command.

The Chief of Police or designee must notify the recording officer and any depicted officer of the intent to use the recording for training. If any such officer objects to the review, they shall immediately notify the Chief of Police or designee of the objection orally or in writing. The Chief of Police or designee shall determine whether an officer's objection outweighs the training value.

XX27. Restriction on Use for Monitoring for Violations of Policy/Law.

It shall be a violation of this policy for supervisors to review recordings for the sole purpose of looking for violations of Department policy or law not related to a specific complaint or incident. This section is not intended to restrict Command staff from performing monthly viewings of an officer's recordings pursuant to Section XX25(e) of this Chapter.

XX28. Use of Deadly Force – Handling of Recording.

For any use of force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury, the following shall apply:

- (a) The supervisor of the involved officer(s) must take possession of their BWV equipment as soon as possible, ensuring that recording has stopped and that the power is off, and maintain custody until the BWV is transferred to the assigned investigator;
- (b) The Chief of Police or designee will assign an investigator, and the assigned investigator shall take possession of the BWV camera, and perform the upload process, if necessary;
- (c) In order to protect the integrity of the video and to ensure that the video is properly uploaded, the officer(s) involved shall not be allowed to review the BWV recording prior to turning over the BWV equipment to the supervisor.

- (d) The involved officer shall be permitted to view the BWV video of the incident once the video has been uploaded to the server. If the officer chooses not to view the video prior to giving an initial statement, the officer will have an opportunity to review the recording(s) after the initial statement has been taken and provide a supplemental statement if desired.
- (e) Prior to viewing the BWV, the officer must read and sign the Video/Audio Evidence Review Acknowledgment (Attachment A);
- (f) The fact that the officer was given the opportunity to review the BWV should be documented, as well as the time, date and location of any such viewing;
- (g) Supervisors shall not view the BWV recording without express permission from the Chief of Police or designee;
- (h) Use of the BWV will be properly documented in the appropriate report(s), and the recording booked into evidence;
- (i) Supervisors shall ensure that BWV information is compiled for department review boards and/or administrative review reports (e.g., pursuit review, use of force review, etc.), when applicable.

XX29. Other Use of Force– Handling of Recording.

For any use of force not covered by Section XX28, the following shall apply:

- (a) Supervisors shall allow involved officer(s) to review their own BWV recordings;
- (b) Supervisors shall allow involved officer(s) to review other BWV recordings, if deemed necessary to assist with complete and accurate reports and documentation of the incident;
- (c) Prior to viewing the BWV, the involved officer(s) must read and sign the Video/Audio Evidence Review Acknowledgment (Attachment A);
- (d) Use of the BWV will be properly documented in the appropriate report(s), and the recording booked into evidence;
- (e) Supervisors shall ensure that BWV information is compiled for department review boards and/or administrative review reports (e.g., pursuit review, use of force review, etc.), when applicable.

XX30. Retention.

Digital evidence captured by BWC shall be treated as an investigative record and handled pursuant to existing Department retention policies and procedures.

XX31. Technical Specifications and System Security.

The University of California Systemwide Coordinator of Police Services shall, in consultation with the Council of Police Chiefs, develop minimum technical standards and specifications and system functionalities for BWV systems. In addition, the security of the BWV data must be in compliance with University policy and within the Criminal Justice Information Services guidelines.

Chapter XX: Body Worn Audio/Video Systems

ATTACHMENT A

Video/Audio Evidence Review Acknowledgment

In this case, there is video evidence that you will have an opportunity to view after you have given a public safety statement (if applicable). Video evidence has limitations and may depict the events differently than you recall, and may not depict any or all of the events as seen or heard by you. 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. You should not feel in any way compelled or obligated to explain any difference in what you remember and acted upon from what viewing the additional evidence provides you. If listening to audio recordings or viewing video recordings provides additional clarity to what you remember that is fine; if it does not, that is fine also.

Read and Acknowledged:

Signature

Date and Time

Printed Name

Badge No.

Witnessed:

Signature

Date and Time

Printed Name

Title/Position

Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
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	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
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HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
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WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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HATE CRIME CHECKLIST

Page ____ of ____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

MEDICAL	<u>Victim</u>	<u>Suspect</u>	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

**Commission on Peace Officer Standards and
Training Hate Crimes Model Policy 2019.pdf**



POST HATE CRIMES MODEL POLICY



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019

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Published September 2008

Revised May 2019

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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

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- Develop a protocol for response to hate crimes
 - Obtain witness and victim cooperation
 - Provide support services to victims
 - Collect demographic information about specific communities
 - Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
 - Identify periods of increased vulnerability based on significant dates and events for affected communities
- II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.

GUIDELINE #6

Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.

The assessment should include:

- I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.
- II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.
- III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.
- IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

- V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

CPC 13519.6, effective January 1, 2005, minimally requires:

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
 - a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
 - b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
 - c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
 - d. Providing victim assistance and follow-up, including community follow-up.
 - e. Reporting

CPC 422.87, effective January 1, 2019, states and minimally requires:

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
 - a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

- ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.
- b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).
- c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.
- d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency’s hate crimes brochure, as required by Section 422.92.
- e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.
- f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.
- h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.

MODEL POLICY FRAMEWORK

Purpose

This model policy framework is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how law enforcement agencies may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

Policy

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

This agency will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency should attend to the security and related concerns of the immediate victims and their families as feasible.

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

Response, Victim Assistance and Follow-up

Initial response

First responding officers should know the role of all department personnel as they relate to the agency's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance, and working with supervision and/or investigations, access needed assistance if applicable. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

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2. Stabilize the victim(s) and request medical attention when necessary.
 3. Ensure the safety of victims, witnesses, and perpetrators.
 - a. Issue a Temporary Restraining Order (if applicable).
 4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
 5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
 6. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 7. Identify criminal evidence on the victim.
 8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
 9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. The offer of victim confidentiality per Government Code (GC) 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"¹ in the commission of the crime.
 1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

¹See Appendix, page 15, for definition

who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

(b) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

10. Adhere to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency’s Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

Investigation

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

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5. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 - e. Desecration of religious symbols, objects, or buildings.
 6. Request the assistance of translators or interpreters when needed to establish effective communication.
 7. Conduct a preliminary investigation and record information regarding:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. Offer of victim confidentiality per GC 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. Document the victim's protected characteristics.
 8. Provide victim assistance and follow-up.
 9. Canvass the area for additional witnesses.
 10. Examine suspect's social media activity for potential evidence of bias motivation.
 11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
 12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
 13. Determine if the incident should be classified as a hate crime.
 14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
 - a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
 - b. Provide ongoing information to the victim about the status of the criminal investigation.
 - c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
 15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
 16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

Supervision

The supervisor shall confer with the initial responding officer(s) and ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim by:
 - a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 - b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
 - c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. Ensure that all relevant facts are documented on an incident and/ or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
3. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf>
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at www.post.ca.gov. In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

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6. Review the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Islamic communities.²
 7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

Release of Information

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

²As described in CPC 13519.6(b)(8)

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1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
 2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
 3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
 4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.

Checklist for the agency's policy creation

- Message from the law enforcement's agency's chief executive is included
 - The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
 - Definition of "hate crime" included from:
 - CPC 422.55
 - CPC 422.56
 - CPC 422.6
 - Title by title specific protocol regarding:
 - Prevention
 - Is contact is established with identified persons and/or communities who are likely targets?
 - Have we formed and/or are we cooperating with hate crime prevention and response networks?
 - Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
 - Response
 - Requirement that all hate crimes be properly investigated and supervised
 - Requirement that any hate crimes committed under the color of authority are investigated
 - Accessing Assistance
 - Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
 - Victim assistance and follow-up
 - Reporting
 - Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
 - Training
 - Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
 - Does the checklist include first responder responsibilities include:
 - Determining the need for additional resources if necessary?
 - Referral information for appropriate community and legal services?
 - The requirement to provide the agency's hate crimes brochure per CPC 422.92?
 - Information regarding bias motivation from CPC 422.87
 - Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- Definitions of terms used in the policy are listed
- Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
 - Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.

APPENDIX

Definitions and Laws

In accordance with CPC sections 422.55, 422.56, 422.6, and 422.87, for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Hate crime

“Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) “Hate crime” includes, but is not limited to, a violation of Section 422.6.

“Association with a person or group with these actual or perceived characteristics” Includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of CPC 422.55 subdivision (a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate Speech

The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy and solicitation to commit any crime.

Hate incident

A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Bias Motivation

Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

Disability Bias

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Disability

Disability includes mental disability and physical disability as defined in GC 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Gender

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

In Whole or In Part

"In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that crime would not have been committed but for the actual or perceived characteristic.

Nationality

Nationality includes citizenship, country of origin, and national origin.

Race or Ethnicity

Race or ethnicity includes ancestry, color, and ethnic background.

Religion

Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim

Victim includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
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	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
--	--

HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
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WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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HATE CRIME CHECKLIST

Page ____ of ____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

MEDICAL	<table style="width: 100%;"> <tr> <th style="text-align: left;"><u>Victim</u></th> <th style="text-align: left;"><u>Suspect</u></th> <th></th> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Declined medical treatment</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Will seek own medical treatment</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Received medical treatment</td> </tr> </table>	<u>Victim</u>	<u>Suspect</u>		<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____
	<u>Victim</u>	<u>Suspect</u>												
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment											
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment											
<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment												
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No														

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Statutes and Legal Requirements.pdf

Statutes and Legal Requirements

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CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

Timely Warning Policy August 2023 - Proposed.pdf

UCR Policies and Procedures

Policy Title: Timely Warnings – Proposed Revisions

Policy Number: 850-70

Responsible Officer:	Clery Act Coordinator
Responsible Office:	Chief Compliance Office
Origination Date:	10/18/2018
Date of Revision:	__/__/2023
Date of Last Review:	[9/1]/2023

I. Policy Summary and Scope

The purpose of this policy is to establish a process by which the University of California, Riverside (UCR) will issue Timely Warnings in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1092(f)) (the “Clery Act”). This Policy conforms with and helps implement the systemwide [UC Clery Act Policy](#).

II. Definitions

Note: many of these definitions are found in the UC Clery Act Policy, replicated here for the convenience of the reader. In the event of any conflict between this policy and the UC Clery Act Policy, the UC Clery Act Policy shall govern.

Campus Security Authority (CSA) – A Clery Act-specific term that encompasses four groups of individuals and organizations associated with UCR:

1. UCR’s Policy Department (UCRPD) or a campus security department of UCR. All individuals who work for these departments are CSAs.
2. Any individual(s) who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (1) of this definition, such as an individual who is responsible for monitoring entrance into UCR property.
3. Any individual or organization specified in UCR’s Annual Security and Fire Safety Report (See Appendix) as an individual or organization to which students and employees should report criminal offenses.
4. An official of UCR who has significant responsibility for student and campus

activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. If such an official is a Pastoral or Professional Counselor as defined below, the official is not considered a campus security authority when acting as a Pastoral or Professional Counselor.

Clery Crimes: The Clery Act requires that certain crimes occurring on Clery Geography (as defined below) be collected and reported annually to the U.S. Department of Education and reported in the Annual Security and Fire Safety Report. The following offenses are Clery Crimes and include attempts of the same: criminal homicide (murder and nonnegligent manslaughter and manslaughter by negligence), sexual assault (rape, fondling, incest and statutory rape), robbery, aggravated assault, arson, burglary, motor vehicle theft, domestic violence, dating violence, stalking, hate crimes, and arrests or referrals for disciplinary action for liquor law violations, drug law violations, and/or illegal weapons possession.¹

Clery Geography: For the purposes of collecting statistics on Clery Crimes, Clery Geography includes:

1. On-Campus –

- (i) Any building or property owned or controlled by UCR within the same reasonably contiguous geographic area and used by UCR in direct support of, or in a manner related to, UCR's educational purposes, including On-Campus Student Housing Facilities; and
- (ii) Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by UCR but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

2. On-Campus Student Housing Facility – any student housing facility that is owned or controlled by UCR, or is located on property that is owned or controlled by UCR, and is within the reasonably contiguous geographic area of On-Campus Property.

3. Public Property – All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the On-Campus Property.

4. Non-Campus Building or Property –

- (i) Any building or property owned or controlled by a student organization that is officially recognized by UCR; or
- (ii) Any building or property owned or controlled by UCR that is used in direct support of, or in relation to, the Location's educational purposes, is frequently used by students, and is not within the same reasonable contiguous geographic area of the On-Campus Property.

For purposes of maintaining the crime log required by the Clery Act, Clery Geography also includes the areas within the patrol jurisdiction of UCRPD.

¹ 20 U.S. Code § 1092(f), 34 C.F.R. § 668.46, 20 U.S. Code § 1092(i), 34 C.F.R. § 668.49

Timely Warning: A notification issued by UCRPD that is timely and that withholds as confidential the names and other identifying information of victims, regarding crimes that occur within Clery Geography, that are:

1. Clery Crimes
2. Reported to CSAs or local police agencies; and
3. Considered by UCR to represent a serious or continuing threat to students and employees.

III. Policy and Procedures

A. Policy

UCR will issue a Timely Warning in the event a Clery crime is reported to have occurred on UCR's Clery geography (or observed by a CSA occurring on UCR's Clery geography) and, in the judgment of the Timely Warning Designee in consultation with other university officials, there is a serious or continuing threat to the community. Such crimes include, but are not limited to, Clery Crimes that are reported to a local police department.

B. Procedures

1. Timely Warning Designees. UCRPD shall be responsible for determining whether a Timely Warning should be issued. UCR has identified the following positions as Timely Warning Designees:
 - UC Riverside Police Department's Chief of Police
 - UC Riverside Police Department's Lieutenants.
2. Timely Warning Decision. When a Clery Crime is reported to UCRPD, and is reported to have occurred within UCR's Clery Geography, UCRPD shall decide whether to issue a Timely Warning on a case-by-case basis. This decision process includes consideration of factors such as:
 - The nature of the reported crime;
 - Whether the report is suspected to be part of a series of related incidents;
 - The continuing threat to the campus community (including whether the suspected perpetrator has been apprehended); and
 - The possible risk of compromising law enforcement efforts.

The Designee may consult with the Clery Coordinator, Legal Affairs, or other university officials as needed. UCRPD shall record the notice and the reasons for issuance in appropriate records management systems.

UCR is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

3. Timely Warning Content. Timely Warnings will provide the UCR community with information that promotes safety and aids in the prevention of similar crimes. This includes, to the extent available and when disclosure will not compromise law enforcement efforts or the safety and privacy of any victim:
 - Summary of alleged incident;
 - Time and location of occurrence;
 - The nature of the threat to the campus community; and
 - Other available pertinent information, such as physical description of the person(s) involved.
4. Dissemination of Timely Warning. A Timely Warning will be issued as soon as pertinent information is available and as soon as reasonably practicable after an incident has been reported to any Campus Security Authority, including the UCR Police Department.

Timely Warning Notices will be sent via e-mail to UCR students, faculty and staff subscribers listed on a campus group e-mail. UC Riverside Police Department will electronically post Crime Alerts on the [UCR Police Department's website](#). UCR Departments, staff and faculty can also post these alerts in highly visible areas and lounges.

C. Other Safety-Related Communications

1. Emergency Notifications. Emergency notifications are notices issued by UCR upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus. It is possible for a reported Clery Crime to result in both a Timely Warning and an Emergency Notification (such as, for example, arson that results in a serious fire on campus); more commonly, Emergency Notifications are made for situations that do not constitute Clery Crimes such as a chemical release, weather emergency, or natural disaster. Emergency Notifications are made through the Emergency Notification System, which may include text/SMS messaging, verbal broadcasts from the UCR Bell Tower, messaging displayed on University computer screens, email, voicemail to campus phones, UCR websites, and Official UCR social media sites.
2. Safety Notices. The University may, in some circumstances, issue a Safety Notice if one or more criteria for Timely Warning Notice have not been met. Examples may include a series or a pattern of non-Clery reportable criminal behaviors against persons or property, an off-campus crime if a crime occurred in a non-University-owned property used and frequented by the University community members.

IV. References

- [UC Clery Act Policy](#)
- [UC Clery Act website](#)
- [UCR Clery Act Compliance Website](#) (including information regarding CSAs, Clery Act

V. Approval and Revision History

The policy was first published in October 2018. This policy was revised to (A) update and conform definitions to the UC Clery Act Policy as revised in August 2023, (B) update the list of Timely Warning Designees, (C) clarify and improve the procedures, (D) describe emergency notifications and other safety communications, and (D) re-format to align with UCR's standard policy format, and approved by Chief Compliance Officer on [____], 2023, after consultation with the Clery Compliance Committee.

Appendix - Reporting Crimes and Other Emergencies

UC Riverside has established a number of ways for campus community members and visitors to report crimes, public safety-related incidents, and other emergencies to law enforcement and appropriate University officials.

Office	Types of Crimes to Report	Campus Address	Phone Number	Website/Email
UC Riverside Police Department	All crimes	3500 Canyon Crest Drive	(951) 827-5222 Emergency: 911	police.ucr.edu
Human Resources- Employee and Labor Relations	Crimes relating to Employees	University Village, Suite 208	(951) 827-3641	hr.ucr.edu
Title IX, Equal Opportunity and Affirmative Action	Crimes relating to dating or domestic violence, stalking, and/or sexual assault involving UCR affiliates*	349 Skye Hall	(951) 827-7070	titleix.ucr.edu
Clery Coordinator	All Clery reportable crimes	349 Skye Hall	(951) 827-5747	clery@ucr.edu
Student Conduct and Academic Integrity Programs (SCAIP)	Crimes involving students	119 Costo Hall	(951) 827-4208	conduct.ucr.edu
Residential Life & Housing Services	Crimes occurring in UCR housing and residence halls	Resident Services Offices; 3595 Canyon Crest Drive	Various; (951) 827-6350	housing.ucr.edu
Palm Desert Center	Crimes occurring at the UCR Palm Desert Center	Facilities & Administration 75080 Frank Sinatra Drive, Palm Desert, CA 92211	(760) 834-0800	palmdesert.ucr.edu

*UCR faculty, students, staff or others participating in UCR programs or activities or seeking to do so.

Members of the community are helpful when they immediately report crimes or emergencies to the University of California, Riverside Police Department and/or other CSAs for purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notices, when deemed necessary. A complete list of designated CSA can be provided upon request to clery@ucr.edu. Among Campus Security Authorities to whom a student or an employee can report incidents are deans of colleges and schools, divisional deans, department chairs, student advisors, residence and housing staff, athletics coaches, police department staff, the dean of students office, and the Title IX and chief compliance office team.

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