Law Enforcement Code of Ethics

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

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

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

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

As a civilian member of the Fresno Police Department, my duty is to be courteous and impartial while providing service to the public, the officers, and all other public safety agencies with whom I interact. I will be exemplary in conduct, edifying in my conversation, honest in my dealings, and abide by the laws of the city, state, and country.

I will be aware and accountable for the Department’s rules, regulations, policies and procedures in order to create and maintain a harmonious and professional work environment. I will possess integrity, dependability, personal sensitivity to those I come into contact with and be able to present good judgment while under pressure.

I will perform my duties with accuracy, efficiency, and thoroughness while ensuring my attendance and fitness for work. I will treat my co-workers and supervisors with respect and do only those things that reflect honor on the Department and myself.
VISION AND MISSION STATEMENT

Fresno Police Department Vision Statement

To serve our community with honesty, compassion and respect.

Mission Statement

The mission of the Fresno Police Department is to enhance safety, service, and trust with our community.

• Keep our community safe by preventing citizens from becoming victims of crime or from being injured in traffic collisions. This is our highest priority.

• Provide excellent service to the numerous requests we receive from the community. Our principal duty is to serve.

• Maintain the trust of our community. This trust provides every department member with the foundation required to carry out our duties. Without trust we simply do not have the authority to serve our public.

The phrase "with our community" is included to reflect our desire to work side by side, in partnership with our community as we collectively fulfill our mission.
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Law Enforcement Authority

100.1 POLICY
Law enforcement officers are granted "functional" authority based on State law, as such, this Department will not tolerate abuse of that authority.

PURPOSE AND SCOPE
The Chief of Police and his/her employees, on his/her authorization, are empowered to enforce, and are charged with the duty of enforcing the laws and ordinances of the City of Fresno and State of California.

100.2 PEACE OFFICER POWERS
Sworn members of this Department are peace officers pursuant to Penal Code § 830.1. The authority of any such peace officer extends to any place in the State of California.

100.3 CONSTITUTIONAL REQUIREMENTS
All members shall observe and comply with every person’s clearly established rights under the United States and California Constitutions.
Department Role in the Criminal Justice System

101.1 POLICY
The Department provides primary law enforcement services to the City of Fresno.

PURPOSE AND SCOPE

The Chief of Police and management staff shall develop and establish guiding principles for the Department. These principles shall take the form of mission statements, value statements and other written directives which determine the operational philosophies of the Department. These guiding principles shall be reviewed annually to ensure they accurately reflect the needs of the community.

101.2 PRIMARY ROLE IN THE CRIMINAL JUSTICE SYSTEM
Services provided include, but are not limited to, emergency responses to crimes in progress, conducting investigations, enforcement of local, state, and federal laws, required documentation, required records maintenance, court room testimony, property/evidence storage and handling, and effective administration to coordinate and manage these services.

101.3 COOPERATION WITH OTHER AGENCIES
The criminal justice system relies upon the cooperation of this Department with other law enforcement agencies, prosecutors, courts and correctional officers to ensure the development of a safer community. When possible, members will fully cooperate with outside agencies to allow for the greatest level of service to the community.

To foster this cooperation, the Department will establish a close working relationship with professional organizations directly involved with the planning of responses to crime in the community. Programs such as the Prostitution Abatement Program, Life Skills, Crisis Intervention Training, and CARE Fresno are examples of public and private collaborations that address social issues as they relate to law enforcement responses and needs within the community.

101.4 COMMUNITY ORIENTED POLICING COMMUNICATION
The Fresno Police Department is dedicated to the philosophy of Community Oriented Policing. The Department is comprised of members of our community and is enriched by the diversity of personnel who dedicate themselves to the Department mission.

In order to help integrate the Community Oriented Policing strategy into our operations, open communication is encouraged and should be fostered by all members. In order to assure that concerns raised by members of our community are taken seriously and handled appropriately, every member of the Department is responsible to listen, understand and communicate concerns to their immediate supervisor. Those issues which can be solved by the member should be handled appropriately. Department members are also an integral part of the community policing strategy. When a Department member observes activity or situations that affect quality of life they are encouraged to immediately report the information to the appropriate district or bureau.
Department Role in the Criminal Justice System

Issues that affect quality of life should be reported through the chain of command in written memorandum, police reports or Email. These issues shall be reported to the Chief of Police on a weekly basis in staff meetings. Strategies to solve the problems are to be discussed with staff members and action plans put in place to address the problems. Each week, follow up questions are presented by the Chief to track progress. These remarks shall be recorded into the meeting minutes to provide a written record and to facilitate tracking of the issue.

Four things to be recorded by the bureau secretary are, at a minimum:

(a) A description of current concerns voiced by the community;
(b) A description of potential problems that have a bearing on law enforcement activities within the community;
(c) A statement of recommended actions that address previously identified concerns and problems; and
(d) A statement of progress made toward addressing previously identified concerns and problems.
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Chief Executive Officer

102.1 POLICY
The Department will use a structured chain of command for communication and direction of all members.

PURPOSE AND SCOPE
Each level of supervision will carry commensurate responsibility and authority. Every member will be held accountable for their use of delegated authority. Each member will be responsible to only one supervisor at any time.

102.2 CHIEF OF POLICE REQUIREMENTS
The Chief of Police must, on appointment, have completed or shall, within two years of appointment, complete a course of training prescribed by California Commission on Peace Officer Standards and Training (POST) and obtain the Basic Certificate by POST within two years of appointment.

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

102.4 RESPONSIBILITIES
The Chief of Police is responsible for the day-to-day operations of the Department including administration, coordination and delivery of all law enforcement services provided by this Department to the community. The Chief of Police is also responsible for the fiscal operations of the Department including the annual budget.

102.4.1 ABSENCE OR INFIRMITY
In the absence or infirmity of the Chief of Police, the Chief will delegate the Assistant Chief (or a Deputy Chief) command responsibility and authority for the Police Department.

In exceptional circumstances where the Chief is unable to conduct the business of the Department, and has not delegated overall command responsibilities, the Assistant Chief will assume command followed by the Professional Standards Division Commander, the Patrol Division Commander, the Support Division Commander, and the Investigative Services Division Commander.

102.5 CHAIN OF COMMAND
The Department will use a structured chain of command for communication and direction of all members.

Each level of supervision will carry commensurate responsibility and authority. Every member will be held accountable for their use of delegated authority.

Each member will be responsible to only one supervisor at any time.

102.6 RANK AUTHORITY
Orders, business, and operations of the Department that concern enforcement and/or emergency operations shall function through the following hierarchy of rank, listed from highest to lowest:

(a) Chief of Police
(b) Assistant Chief
(c) Deputy Chief of Police

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Under normal day-to-day operations, the highest ranking member on scene may exercise command over an incident.

102.6.1 EXCEPTIONAL CIRCUMSTANCES
In exceptional circumstances a higher ranking member may delegate specific authority to a subordinate based on the skills or expertise of that member. In these situations, the higher ranking member will retain overall command of the incident but may delegate tactical, investigative, or other functional control of an incident.

Where different departmental functions are engaged in a single operation, the highest ranking member for each function will retain operational control over that function, however overall incident command will be retained by the highest ranking member on scene.

102.7 DELEGATING AUTHORITY
There may be circumstances when a member of lower rank is delegated authority for a situation based on expertise, training, or experience. In these situations a supervisor will delegate the authority to accomplish the task. Any subsequent orders given by the person receiving the delegation will be treated as if the superior officer had given the order.

102.8 CONFLICTING ORDERS
When a member receives an order that is in conflict with a previously issued order, the member will follow the guidelines listed below.

102.8.1 WRITTEN ORDERS IN CONFLICT
Any time written orders or other Department documents are in conflict, the order of highest authority shall be followed. Members who discover a conflict shall advise the issuing authority of the conflict, who shall then take immediate steps to resolve the issue. When written orders of the same authority are in conflict, the most recent order shall be followed, and the issuing authority shall be advised.

102.8.2 WRITTEN-VERBAL / VERBAL-VERBAL CONFLICTS
When any member receives a verbal order from a superior that conflicts with a written or verbal order of another superior, the member shall immediately advise the superior giving the conflicting order of the conflict. When the superior still wishes the order carried out, the member shall do so, and shall suffer no disciplinary action for doing so. The superior issuing the conflicting order shall contact the issuing authority of the other order as soon as possible to reconcile the conflict.

102.8.3 ORDERS IN CONFLICT WITH LAW
When a member receives a written or verbal order that conflicts with the law, the order shall not be obeyed, for which disobedience the member shall not be subject to disciplinary action. Members shall not be excused for violating the law because they were acting under the orders of a superior. Members receiving orders in violation of law shall immediately advise the issuing superior of the conflict, and that the order will not be carried out. Superiors issuing unlawful orders shall immediately rescind them and fully report the incident to their own superior.

102.8.4 MEMORANDA
Memoranda will be considered as verbal orders.
Oath of Office

104.1 POLICY
Officers of the Department are sworn to uphold the federal and state constitutions and to enforce federal, state, and local laws.

104.1.1 OATH OF OFFICE
Prior to assuming the duties of the position, all sworn employees 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. (California Constitution, Section 20, Article 3).
106.1 POLICY
The manual of the Department is hereby established and shall be referred to as the "Policy Manual", more commonly referred to as the "Bluebook." Except for provisions of law, members are allowed discretion in their adherence to the regulations, policies, and procedures of the Department. Policy does not dictate a precise action to be taken, but establishes the governing ideal which should be furthered and supported by the actions taken.

106.1.1 PURPOSE AND SCOPE
The Policy Manual is a statement of the current policies, rules, and guidelines of the Department. Members are to conform to the provisions of this manual. Prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual. It is recognized that police work 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 the Department under the circumstances reasonably available at the time of any incident.

106.2 RESPONSIBILITIES
The ultimate responsibility for the content of the Manual rests with the Chief of Police. Since it is not practical for the Chief of Police to prepare and maintain the Manual, the following delegations have been made:

106.2.1 CHIEF OF POLICE
The Chief of Police shall be considered the ultimate authority for the provisions of this Manual and shall continue to issue Provisional Orders which shall modify those provisions of the Manual to which they pertain. Provisional Orders shall remain in effect until such time as they may be permanently incorporated into the Manual.

106.2.2 STAFF
Staff shall consist of the following:
(a) Chief of Police
(b) Assistant Chief of Police
(c) Deputy Chiefs
(d) Captains
(e) Lieutenants
(f) Bureau / Unit Managers

Staff shall review all recommendations regarding proposed changes to the Manual.

106.3 LEGALITY OF CONTENTS
When any portion of the Manual is found to be illegal or incorrect, that finding shall not affect the validity of the remaining portions of the Manual.

106.4 FORMATTING OF THE POLICY MANUAL
The purpose of this section is to provide examples of abbreviations and definitions used in the Manual.

The Policy Manual contains chapters, policies, sections, subsections, and ordered lists as illustrated below.
106.4.1 ACCEPTABLE ABBREVIATIONS
The following abbreviations are acceptable substitutions in the Manual:
- Provisional Orders may be abbreviated as "PO"
- Policy Manual sections may be abbreviated as "Section 106.X" or "106.X"

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

**Adult** Shall mean any person 18 years of age or older

**CHP** Shall refer to the California Highway Patrol

**City** Shall mean the City of Fresno

**Civilian** Refers to all members who are not peace officers

**Department/FPD** Shall mean the Fresno Police Department

**DMV** Shall mean the Department of Motor Vehicles

**Employee/Personnel** Shall apply to any person employed by the Department

**Juvenile** Shall mean any person under the age of 18 years

**Manual** Shall refer to the Fresno Police Department Policy Manual

**May (or can)** Indicates a permissive, discretionary or conditional action.

**Member** Term applied to all persons of the Police Department and shall include sworn officers and non-sworn employees. This includes reserve officers, volunteers, and other persons who work within the Department but are unpaid or who are paid by entities other than the Department

**Officer/Sworn** Applies to those employees, regardless of rank, who are sworn employees of the Fresno Police Department

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

**Order** An instruction either written or verbal issued by a superior

**Policy** Is a statement of principle(s) upon which procedures and regulations are based to achieve the goals of the Department

**POST** Shall mean the California Commission on Peace Officer Standards and Training
Rank Shall mean the title of the classification held by an officer

Shall (will or must) Indicates a mandatory action

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

Staff Member Refers to officers of the rank of lieutenant or above and to civilian personnel with bureau or unit management responsibility

106.5 AUTHORITY OF DEPARTMENTAL DOCUMENTS
The following order of authority shall be given to Departmental documents listed from highest to lowest:
(a) Chief’s Memoranda;
(b) Provisional Orders;
(c) Policy/Procedure Manuals;
(d) Other approved manuals/Operations Manuals;
(e) Memoranda; and
(f) Roll Call Training Bulletins.

106.5.1 OPERATIONS MANUALS
Operations Manuals may be established by each division, bureau, section, or unit commander to establish regulations and procedures for their division, bureau, section, or units.

The Manual may be issued by the Accountability and Compliance Section (ACS) after being approved by the ACS and the affected division commander.

106.5.2 ROLL CALL TRAINING BULLETINS (RCTB’S)
RCTB’s shall be issued by the ACS to those members designated by the ACS. RCTB’s shall be used to provide training information or to clarify existing policy and procedures, but shall not establish new policy or procedure. Specific instances requiring the issuance of a RCTB shall include, but are not limited to:
- Yearly update on legislative changes;
- Court decision/case law updates as needed; and
- Information on dangerous weapons, drugs, or disease.

(See ACS Operations Manual for format and contents of RCTB)

106.6 DISTRIBUTION OF MANUAL
ACS will maintain the master version of the Manual. This version shall include all former orders and subsequent revisions. ACS will have the primary responsibility for revising the Manual and for ensuring the contents are accurate and current.

A computerized version of the Manual is available on the Department network and on the patrol vehicle Mobile Data System (MDS) for access by all members. The computerized version is limited to viewing and printing of specific sections. No changes shall be made to the electronic version without proper authorization. The version contained on the Department network shall be considered the most current version of the Manual.

The working version will be distributed via PowerDMS to each bureau, section, or unit by the ACS.

Revisions and/or additions to the Manual will be published by the ACS. These will be published either electronically or hard copy in the form of complete or partial orders to be inserted into the Manual.
Each bureau, section, or unit issued a hard copy manual is responsible for promptly inserting new orders into the Manual so that it is current at all times. New or modified policies or orders take force and effect on the effective date as designated on the order.

Revisions to the Manual before the quarterly updates will be in the form of Provisional Orders (PO). PO’s shall remain in effect until such time as they may be permanently incorporated into the Manual.

106.7 REQUESTS FOR REVISION OR NEW POLICY
Members wishing to create a new policy or to revise, amend, or otherwise modify the Manual shall prepare a draft of the document and submit it through the chain of command to their commander, who will forward it to the Commander of the ACS.

ACS will ensure that the draft document is reviewed by the affected division commander or acting division commander prior to staffing. Once approved, the draft will be returned to ACS to ensure that proper staff review is accomplished. The ACS Commander will determine whether full, executive, or no staffing is required for appropriate review of the draft document. ACS will distribute the draft document according to the staffing recommendations and allow one week for comments. Once the comment period is completed, ACS shall be responsible for reconciling the staffing comments with the original author or person requesting the modification.

The ACS shall review the drafts, ensure that proper staff review is accomplished, and shall then submit them to the proper authority for approval.

On completion of this process, ACS will send the final draft document to the Chief of Police or his/her designee for signature.

106.8 RECEIPT OF ORDERS
All members are required to log into the PowerDMS system at least once per work week, or when notified by Department email or voice mail, to receive new and updated Departmental documents. Members shall personally sign (by entering an ID and password) for policies, procedures, and other directives that are distributed electronically via PowerDMS. After members have electronically signed for the new or modified order, the ACS will retain the electronic signature in the PowerDMS database.

When documents are distributed as a hard copy, members shall sign the Policy Distribution / Receipt Form accompanying the new or modified order, indicating their acknowledgment and receipt of the order. The form will be retained by the ACS.

Following the distribution of the document, supervisors may generate a signature report at any time for their respective bureau, section, or unit to verify compliance.

ACS has the responsibility for updating and maintaining accurate Policy Distribution / Receipt Forms.

106.9 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 Fresno Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Fresno Police Department reserves the right to revise any policy content, in whole or in part.
200.1 POLICY
The Department will maintain a divisional structure with established responsibilities.

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

200.2 STRUCTURAL UNITS & LEVELS
The Chief of Police is responsible for administering and managing the Fresno Police Department.

200.2.1 DEPARTMENT
The Department is organized into five operational levels:
   (a) Department;
   (b) Division;
   (c) Bureau;
   (d) Section; and
   (e) Unit (includes squads & teams).

200.3 DIVISION
A "division" is a grouping of bureaus, sections, and/or units, with a division commander. Divisions are subgroups of the Department. There are five divisions within the Fresno Police Department. These include:
   (a) Office of the Chief Division;
   (b) Patrol Division;
   (c) Support Division;
   (d) Investigations Division; and
   (e) Administrative Division.

200.3.1 OFFICE OF THE CHIEF
The Office of the Chief is commanded by the Chief of Police and falls under the authority of the City Manager. The Chief of Police is responsible for the day to day operations of the Department including administration, coordination and delivery of all law enforcement services provided by the Department to the community.

The Office of the Chief is comprised of:
   • Chief of Police;
   • Public Information Officer;
   • Administrative Lieutenant; and
   • Legal Advisor.

200.3.2 PATROL DIVISION
The Patrol Division is commanded by a Deputy Chief whose primary responsibility is to provide general management direction and control for that Division.

The Patrol Division consists of:
   • Field Commanders;
   • Southwest Policing District;
   • Central Policing District;
   • Southeast Policing District;
• Northeast Policing District;
• Northwest Policing District;
• Duty Office / Crimeview; and
• Real Time Crime Center.

200.3.3 SUPPORT DIVISION
The Support Division is commanded by a Deputy Chief whose primary responsibility is to provide
general management direction and control for the Support Division.

The Support Division consists of:
• Communication/Data Analysis Bureau; and
• Special Operations Bureau.

200.3.4 INVESTIGATIONS DIVISION
The Investigations Division is commanded by a Deputy Chief whose primary responsibility is to provide
general management direction and control for the Investigations Division.

The Investigations Division consists of:
• Family Justice Bureau;
• Special Investigations Bureau;
• Street Violence Bureau; and
• MAGEC Bureau.

200.3.5 ADMINISTRATIVE DIVISION
The Administrative Division is commanded by a Deputy Chief whose primary responsibility is to provide
general management directions and control for the Administrative Division.

The Administrative Division consists of:
• Personnel Bureau;
• Fiscal Affairs Bureau;
• Internal Affairs Bureau;
• Grants Unit;
• Employee Services Unit;
• Regional Training Center; and
• City Attorney Liaison/Civil Litigation.

200.4 BUREAU
A "bureau" is a grouping of sections and/or units with a bureau commander or bureau manager.
Bureaus are subgroups of divisions.

200.5 SECTION
A "section" may be a functional group of line personnel with a section manager, or may be a grouping
of units. Sections are subgroups of bureaus.

200.6 UNIT
A "unit" may include "squads" and "teams," and is the basic functional group of the Department.

(Refer to the Department Organizational Chart for corresponding representation)

200.7 DEPARTMENT COORDINATION / COOPERATION
All Divisions, Bureaus, Sections, and Units will maintain communication with other Divisions, Bureaus,
Sections, and Units as a means of coordinating law enforcement services and increasing cooperation
within the Department. Coordination refers to the transmission and receiving of information between all
Departmental functions in the form of attendance at staff meetings, briefings, email, voice mail, reports,
and analysis.
Department Goals & Objectives

202.1 POLICY
The Chief of Police and management staff will establish a set of long-term goals for the Department.

202.1.1 PURPOSE AND SCOPE
The purpose of this policy is to establish staff responsibilities for setting the goals and objectives of the Department.

202.2 DEPARTMENT GOALS & OBJECTIVES
These goals will be reviewed annually and updated as needed to ensure they accurately reflect the needs of the community.

202.3 DEFINITIONS
GOAL • A Goal is a relatively broad statement of an end or result one intends to achieve. A goal usually requires a relatively long time span to achieve and, when possible, should be stated in a way that permits a measurement of its achievement.

OBJECTIVE • An objective is an end or result that one intends to attain, to achieve partial fulfillment of a goal. An objective is a sub-goal or an element of a goal, and requires a shorter time span to accomplish.

202.4 DIVISIONAL AND SUBORDINATE GOALS AND OBJECTIVES
Each Division Commander will establish written goals and objectives for his / her division as steps toward the attainment of the goals of the Department. These goals and objectives will be reviewed annually and updated as needed to ensure that they meet the need of the organizational component of the Department.

Each Bureau, Section, and Unit Manager will establish written goals and objectives for their operations directed toward the attainment of divisional goals and objectives. These goals and objectives will be reviewed annually and updated as needed to ensure that they meet the need of the organizational component of the Department.

NOTE: The written goals and objectives for Bureaus, Sections, and Units will be available to all personnel (e.g., online library, printed hard copies, in PRB).

202.5 MEASUREMENTS OF PROGRESS
At least annually, Division Commanders will quantify the progress of their respective objectives. This progress will be reported in the Department’s Annual Report and published at the direction of the Chief of Police or his/her designee.

Bureau Commanders/Managers will evaluate written objectives of their Bureaus, Sections, and Units annually in order to compare the progress of achieving the written goal and to ensure the goals & objectives meet the needs of the Department.
Department Goals & Objectives

202.6 REVIEW OF OBJECTIVES
Bureau Commanders/Managers will review and update, or modify the goals and objectives for their Bureaus, Sections, and Units annually based on the previous years' data and submit them to their Division Commander. Division Commanders will review the modified goals and objectives and make any corrections or recommendations. Division Commanders will update their goals and objectives annually prior to budget preparation and establish new or revised goals and objectives as directed by the Chief of Police.
Provisional Order

204.1 POLICY
The Chief of Police or designee shall issue all Provisional Orders.

PURPOSE AND SCOPE

Provisional Orders (P.O.) 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 (MOU) and as permitted by Government Code § 3500 et seq.

P.O.'s will immediately modify or change and supersede sections of the Manual to which they pertain.

204.1.1 PROVISIONAL ORDER PROTOCOL
P.O.'s will modify existing policies or create a new policy as appropriate. P.O.s will be rescinded upon incorporation into the Manual.

Any P.O. issued after publication of the Manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "1" For example, 07•1.
206.1 POLICY
The City has prepared an Emergency Operations Plan Manual for use by employees. Employees will follow the Emergency Operations Plan and Department Critical Incident Response Plan in the event of a major disaster or other emergency event.

PURPOSE AND SCOPE
The Emergency Operations Plan Manual provides for a strategic response by employees and assigns specific responsibilities in the event the plan is activated. The Critical Incident Response Plan establishes the responsibilities of the Department to the City of Fresno in providing law enforcement services when confronted with emergency incidents, such as natural and man-made disasters, civil disturbances, mass arrests, bomb threats, hostage and barricaded persons situations, acts of terrorism, and other unusual incidents, which expose citizens and police personnel to unusual dangers.

206.3 LOCATION OF MANUALS
The manuals are available in Admin Services Division, the Duty Office. All supervisors should familiarize themselves with the City of Fresno Emergency Operations Plan, the Critical Incident Response Plan, and what roles police personnel will play when the plan is implemented.

206.4 OFFICE OF EMERGENCY SERVICES (OES)
The City of Fresno Office of Emergency Services (OES) Coordinator is responsible for coordinating the planned response to natural and man-made disasters, civil disturbances, and other critical incidents, which may require the use of state, federal, or citywide resources. The OES Coordinator shall act as an expediter of resources for these types of incidents and shall be the principal advisor to the Chief of Police. The OES Coordinator may be reached 24 hrs.
Training Policy

208.1 POLICY
The Department will ensure personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

208.1.1 PURPOSE AND SCOPE
It is a goal of the Department to administer a training program that will provide for the professional growth and continued development of its personnel. 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 POST.

208.2 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 personnel; and
(c) Provide for continued professional development of personnel.
212.1 POLICY
Electronic mail (E-mail) is a communication tool to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act).

PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the proper use and application of E-mail by members of the Department. Messages transmitted over the E-mail system should only be those that involve official business activities or contain information essential to members for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

212.1.1 DEFINITION
For the purposes of this policy, E-mail shall include all electronic communication transmitted via traditional E-mail clients (e.g., MS Outlook), digital messages sent via cellular phones/PDA’s, and administrative messages sent via MDS and Department computer.

212.2 E-MAIL - NO RIGHT OF PRIVACY
The City of Fresno provides members with E-mail services. Members should only use this service for conducting Departmental business. E-mail messages transmitted over the computer network are considered property of the Department. The City/Department reserves the right to access, audit, and disclose for whatever reason, all messages transmitted over its E-mail system or placed into its storage, including searching for security breaches or violations of Department/City of Fresno policy.

The E-mail system is not appropriate for confidential communications. When a communication must be private, an alternative method to communicate the message should be used. Members using the City’s E-mail system shall have no expectation of privacy concerning communications in the system.
Administrative Correspondence (non-electronic)

214.1 POLICY
No non-electronic administrative correspondence format is allowed except that approved by the Chief of Police.

214.1.1 PURPOSE AND SCOPE
The purpose of this policy is to establish uniform formats throughout the Department for non-electronic correspondence.

214.2 AUTHORIZED FORMATS
(a) Memorandums;
(b) Department letterhead; and
(c) Department "Memo" head.

214.3 MEMORANDUMS
The primary purpose of memorandums (memos) is to provide a means of administrative communication. Memos:

(a) Do not establish policy, however may establish temporary regulations, or procedures;
(b) Are issued by the Chief of Police, announce and document promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status;
(c) May be issued by any ranking member to a subordinate member for purposes of directing the activities of that/those member(s) in a specific situation;
(d) Will automatically expire for all purposes at 0001 hours on the 15th day after the date of issuance; and
(e) That are expired may not be utilized to hold members accountable.

Exceptions: The expiration policy will not apply to those directives issued and signed by the Chief of Police. Memos issued by the Chief will remain in effect indefinitely, unless repealed or superseded by a different directive.

214.3.1 PREPARATION AND DISTRIBUTION
(a) Memos will be addressed to the affected member(s), bureau, section, or unit, to which they apply;
(b) A memo will contain the date it takes effect;
(c) A memo will be signed / initialed by the issuing member;
(d) A copy of any memo issued to named personnel shall be given to each member addressed;
(e) Memos issued to bureaus, sections or units will be duplicated and distributed in sufficient quantity to ensure that all affected members are made aware of the memo; and
Administrative Correspondence (non-electronic)

(f) A member may not be held accountable to the provisions of any memo unless a supervisor can personally attest to the fact that the member had been made aware of the provisions of the memo.

214.4 DEPARTMENT LETTERHEAD
Department letterhead is distinguished by the presence of the City of Fresno "logo" along with the Department’s address and name of the Chief of Police.

To ensure that the letterhead and name of the Department are not misused, the following will be adhered to:

(a) All external correspondence will be on Department letterhead;
(b) The Department letterhead will not be altered; and
(c) Members are to use Department letterhead only for official business.

214.5 DEPARTMENT "MEMO" HEAD
Department "Memo" head is distinguished by the presence of the City of Fresno "logo", Department name, but lacks the address and name of the Chief of Police.

"Memo" head is only used for internal documents.

214.6 SURVEYS
All surveys are to be authorized by the Chief of Police or a Division Commander.
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Staffing Levels

216.1 POLICY
The Department will establish minimum staffing levels in the Patrol Division for all shifts and districts.

PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper staffing levels are available at all times. To accomplish this, the Department will balance the needs of the employee with the public safety requirements of the community.
218.1 POLICY
The Fresno Police Department will fairly and impartially consider all applications to carry firearms in accordance with applicable law and this policy.

218.1.1 PURPOSE AND SCOPE
Only the Chief of Police is given the statutory discretion to issue a license to carry a concealed firearm to residents* of the City of Fresno (Penal Code §§ 26150 and 26155). This policy will provide an outline for the application process and issuance of a license to carry a concealed firearm to Fresno residents. Pursuant to Penal Code §26160, these procedures shall be made accessible to the public.

*Some non-residents may qualify.

218.1.2 APPLICATION OF POLICY
Nothing in this policy shall preclude the Chief of Police from entering into an agreement with the Sheriff of Fresno County to process all applications and license renewals for the carrying of concealed weapons [Penal Code §26155(c)].

218.2 QUALIFICATIONS
Concealed Carry Weapons (CCW) applicants are subject to the following qualifications:
(a) The applicant is 21 years of age and resides in the City of Fresno;
(b) The applicant is of good moral character;
(c) Good cause exists for issuance of the license;
(d) The applicant has completed a course of training as described in Penal Code §26165; and
(e) The applicant is not a member of one of the prohibited categories as specified in the application.

218.2.1 RESTRICTIONS
The following are standard restrictions that shall apply to all CCW licenses. The licensee shall:
(a) Not have alcohol or drugs in system while carrying the weapon;
(b) Not represent self as a peace officer at any time;
(c) Not violate any local, State, or Federal laws;
(d) Not be under the influence of any medication which is labeled with a warning not to operate a motor vehicle or other machinery;
(e) Not impede any law enforcement officer in the performance of their duties;
(f) Not refuse to display or surrender their permit and weapon when requested to do so by a peace officer;
(g) Not unjustifiably display a deadly weapon;
(h) Immediately notify a peace officer, with whom the licensee comes in contact, that the licensee is armed and has a permit in their possession;
(i) Not carry weapon on any public school, private school, college, or university;
(j) Not carry weapon into any courthouse;
(k) Not carry weapon in a place having a primary purpose of dispensing alcoholic beverages for on-site consumption;
(l) Not carry weapon while attending any social or public function where weapons are prohibited; and
(m) Not carry weapon into controlled access area of any airport or fly on any commercial airplane with a weapon, except as directed by authorized airport and/or airlinepersonnel.

218.3 APPLICATION PROCESS
Concealed weapons applications can be obtained online through the City of Fresno website or by contacting the CCW Coordinator at 621-6562. Applications will be those prescribed by the Attorney

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Previously Issued: 05/22/2014
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General in accordance with Penal Code §26175, as amended. The firearms training specified in this article may be started and completed after the application has been received by the Fresno Police Department; however, the CCW license shall not be issued until applicant produces evidence of successful completion of the required training.

218.3.1 APPLICATION
Applicants are to complete the California Department of Justice (DOJ) Standard Application form. The completed form must be returned in person to the Concealed Weapons Permit Office. Please call the CCW Coordinator at (559) 621-6562 for an appointment to return the form.

Information contained on the application, including substantial personal information, may be subject to public access under the Public Records Act.

WARNING: IT IS A CRIME TO KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION TO CARRY A CONCEALED WEAPON (Penal Code §26180).

218.3.2 GOOD CAUSE DETERMINATION
Good Cause is defined as any citizen concerned for the safety of themselves, their family and friends or their employees. An investigation will be conducted into the applicant's statement of good cause. The determination of good cause should consider the totality of circumstances in each individual case. If the applicant states that good cause for obtaining a concealed weapon permit is related to his/her employment, the applicant MUST provide a letter from the employer authorizing the applicant to carry a concealed weapon during the course of his/her employment.

If the applicant meets the good cause requirement, he/she will be requested to appear at the Concealed Weapon Permits Office to continue the application process. If a determination is made that the applicant does not meet the good cause requirement, the application will be denied and the applicant will be notified in writing (Penal Code §26202).

218.3.3 FEES
The Fresno Police Department will charge a non-refundable fee of $20.00 at the time the application is submitted. Once a determination has been made that the applicant has met the good cause requirement, a non-refundable fee of $93.00 will be collected for the processing of the applicant’s fingerprints as part of the criminal investigation by the State Department of Justice. A fee of $80 will be collected at the time the license is issued. All fees are payable by Cashier’s Check or Money Order to the Fresno Police Department.

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).

218.3.4 FINGERPRINTS
The applicant will also be required to appear in person at the Fresno City Hall/Human Resources Department to have his/her fingerprints Live Scanned. At that time, the applicant must pay the required fingerprint scanning fee by Cashier’s Check or Money Order. The fee is not refundable (Contact the Personnel Services Department at 621-6950 for the current Live Scan fee amount).

218.3.5 CRIMINAL HISTORY
The applicant’s fingerprints will be Live Scanned to the State of California Department of Justice where his/her background will be checked to determine if they are free from those criminal offenses that would prohibit them from acquiring a concealed weapon permit. Persons convicted of certain criminal offenses or with a history of certain mental problems are prohibited by law from obtaining a concealed weapon permit. These offenses are listed in the application attachments.

A permit cannot be issued until clearance from the Department of Justice is received.
218.3.6 BACKGROUND CHECK
The Fresno Police Department will conduct a background investigation to verify the information on the applicant's application and to determine if he/she meets the good moral character requirement. Applicants, at minimum, must have no criminal convictions within the past 10 years of a crime involving moral turpitude or crime of violence (e.g. assault with a deadly weapon, domestic violence, battery, manslaughter, murder, etc.), have no history of alcohol or drug abuse, and have no dishonorable discharge from military service.

218.3.7 TRAINING AND QUALIFICATION
The applicant must provide evidence of having met this requirement before a permit will be issued. Applicants must provide proof of having completed an approved handgun training course (of a minimum of eight hours) and having fired a minimum of 100 rounds with weapons to be carried. A training course must be completed which involves a certified course of instruction by an instructor certified by the State of California. The Basic Safety Course involving a test or the viewing of a video does not meet the training requirement.

218.3.8 HANDGUN REQUIREMENTS
Other than new handguns purchased through a State of California authorized licensed gun dealers, the applicant must provide documented proof the weapon to be carried is a safe handgun and that he/she have qualified with the weapon to be carried.

The weapon must be checked by a California DOJ approved range master or armorer.

218.4 PERMIT ISSUANCE
If the applicant has met all requirements for a concealed weapon permit, they will be directed to respond in person to the Concealed Weapon Permits Coordinator's office in order to receive their permit. The Chief of Police, in accordance with State law, shall be the final issuing authority.

218.4.1 HOLD HARMLESS AGREEMENT
An approved CCW License permit holder shall be required to sign a form that shall indemnify, hold harmless, and defend the City, its officers, officials, employees and agents from any and all loss, liability fines, penalties, forfeitures, costs and damages (whether in contract, tort, or strict liability, including but not limited to personal injury, death at any time, and from any and all claims, demands, and actions in law or equity (including reasonable attorney’s fees and litigation expenses) arising out of or in connection with intentional or negligent acts or omissions of the permit holder.

218.4.2 RENEWALS
A concealed weapon permit is valid for two years. The permit must be renewed bi-annually to remain valid. The applicant will show evidence of successful completion of the required course of training, (Minimum of four hours & 50 rounds fired), which involves a certified course of instruction by an instructor certified by the State of California. All CCW license renewals shall be made within a time period of sixty (60) days before the expiration date of the CCW.

The licensee shall notify this Department in writing within 10 days of any change of place of residency. If the licensee’s place of residence was the basis for the issuance of the permit and the licensee moves out of the county of issuance, the permit shall expire 90 days after the licensee has moved (PC §26210).

A non-refundable fee of $25.00, payable to the City of Fresno by Cashier’s Check or Money Order, is due at the time of renewal. In addition, the State Department of Justice charges a non-refundable fee of $52.00 for the concealed weapon permit renewal and payable to the California Department of Justice by Cashier’s Check or Money Order at the time of renewal.
218.4.3 MODIFICATION OF LICENSE FORM (AMENDMENTS)
A change of name, address, addition or deletion of a weapon, or other changes to the concealed weapon permit is considered a modification or amendment. A non-refundable fee of $10.00 is payable by Cashier’s Check or Money Order at the time of the modification or amendment.

218.4.3 REVOCATION
The Police Chief may revoke a CCW License at any time based upon any of the following:
   (a) There is a material misstatement on the application;
   (b) The permit holder becomes ineligible to make an application pursuant to the qualifications stated in Penal Code;
   (c) Other relevant, articulable factors as deemed by the Chief of Police.

218.5 PERMIT DENIAL
The Chief of Police shall have the right to deny any CCW License application based upon any of the following:
   (a) The results of the California Department of Justice background check;
   (b) The results of the local background check; or
   (c) Other relevant, articulable factors as deemed by the Chief of Police.

In situations where the local background check information that is not ordinarily contained in routine state or federal background checks discloses disqualifying information, the Chief of Police at his/her discretion, may, in accordance with state law, deny the application. Upon such denial, the Chief of Police will disclose, in writing, such information to the rejected applicant that justifies said denial, including which requirement the applicant did not satisfy. Pursuant to Penal Code §26205, the Chief shall give written notice to the applicant indicating that the CCW license is approved or denied within 90 days of the initial application for a new license or renewal, or 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. The Chief of Police shall not be required to disclose a specific reason or reasons why an application was denied, if he/she determines that the disclosure of such reason or reasons would endanger the health, safety or security of the citizens of the City, or State.
220.1 POLICY
Upon honorable retirement from the Department, any full-time sworn officer, who had been authorized
to, and did carry a concealed firearm during the course and scope of their employment, may be issued
an identification card with a "CCW Approved" endorsement [ Penal Code §25455].

220.1.1 PURPOSE AND SCOPE
The purpose of this policy is to outline the process and conditions associated with the issuance,
revocation, and denial of a carry concealed weapons (CCW) endorsement for retired officers of the
Department.

220.2 QUALIFIED RETIREEES
For the purpose of this policy, "honorably retired" [as defined in Penal Code §16690] includes all peace
officers who have qualified for, and have accepted, a service or disability retirement. This shall not
include any officer who retires in lieu of termination.

Service retirements qualify for a “CCW Approved” endorsement when the retirement is from regular
employment as a law enforcement officer for an aggregate of 15 years or more. Officers who
voluntarily separate from the Department and are not “honorably retired” as defined above, do not
qualify for the CCW endorsement. Officers who fall into this category must seek a CCW permit through
the civilian processes in the jurisdiction of residence.

Officers who are terminated for a medical disability are eligible for a CCW permit upon receipt of a
retroactive medical disability retirement. Officers who have not received a medical disability retirement
may seek a CCW permit through the civilian process in the jurisdiction of residence.

When a member separates from employment with the Department, they will not be issued a CCW
permit until all issued Department equipment has been returned or accounted for.

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

Any firearm that is presented to this Department for concealed carry and range qualifications must meet
the minimum requirements as prescribed in Policy/Procedure §312.

220.2.1 OFFICERS RETIRED PRIOR TO JANUARY 1, 1981
Officers who have honorably retired from this Department prior to January 1, 1981, and wish to carry a
concealed weapon, are required to have a CCW endorsement, and must petition this agency every
year to renew the ID card. These retirees must also qualify at the range and sign a liability waiver. If no
CCW endorsement is desired, the officer is only required to renew the ID card once every five years.
This agency may deny or revoke this privilege to carry a concealed firearm for “good cause” as outlined
in [ Penal Code §26305(d)]. This denial will be indicated by “No CCW Privilege” stamped on the card.

220.2.2 QUALIFIED RETIRED RESERVES
Qualified retired Level I reserve officers who meet the Department requirements shall be provided an
identification card with a “CCW Approved” endorsement [ Penal Code §26300].

220.3 CARRYING FIREARMS OUT OF STATE
Subject to 18 United States Code §926C and Policy/Procedure §312, qualified retired officers of the
Department may be authorized to carry a concealed weapon in other states. Retired officers wishing to
maintain a CCW endorsement while traveling to or residing in another state, must adhere to the provisions in Procedure Manual §220.

(a) HR 218, the Law Enforcement Officers Safety Act (LEOSA), was enacted July 22, 2004, as Pub. L. 108-277, and is codified as 18 U.S. Code §926B and §926C.

1. The Act permits the nationwide carrying of concealed handguns by qualified current and retired law enforcement officers and amends the Gun Control Act of 1968 (Pub. L. 90-618, 82 Stat. 1213) to exempt qualified current and retired law enforcement officers from state and local laws prohibiting the carrying of concealed firearms.

2. It does not exempt current or retired officers from any state or local firearm owner registration laws.

3. It is the policy of the Fresno Police Department to comply with the Act, under the conditions and provisions in Procedure Manual §220.

220.3.1 MAINTAINING A CCW ENDORSEMENT WHILE RESIDING IN ANOTHER STATE

In order to maintain a CCW endorsement, retirees must:

(a) Have successfully passed an annual FPD background check indicating that he or she is not prohibited by Federal law from receiving or possessing a firearm;
(b) Not be under the influence of any alcohol or other intoxicating or hallucinatory drug or substance while carrying or otherwise in possession of a firearm; and
(c) Have, during the most recent 12-month period, successfully passed the standards for training and qualification for active law enforcement officers to carry firearms in their primary state of residence.

On request, qualified retired law enforcement officers of the Fresno Police Department who do not reside in this state, and who have successfully passed this state’s standards for training and qualification for active law enforcement officers to carry firearms, will be sent a retirement identification card by mail, that indicates that the retired officer:

(a) Is a nonresident of this state and has met all of the conditions in 220.2 and 220.3 above;
(b) Must meet the standards for training and qualification for active officers in the retired officer’s primary state of residence;
(c) Must submit, in acceptable size and format, two recent facial color photographs or a recent digital image; and
(d) Must submit, in acceptable size and format, fingerprints or digital image (10 print cards).

220.4 DENIAL OR REVOCATION OF CCW ENDORSEMENT

The CCW endorsement for any officer retired from the Department may be denied or revoked only upon a showing of good cause, as outlined in Penal Code §26305. Any denial or revocation under this section shall also be considered disqualification under 18 USC §926C(d). The CCW endorsement may be immediately and temporarily revoked by the Field Commander when the conduct of a retired officer compromises public safety [Penal Code §26305(c)].

220.5 OUT OF STATE AGENCY RETIRED OFFICERS

It shall be the policy of this agency to provide reciprocal services to retired law enforcement officers from other states that reside within the city limits, and seek to renew a CCW endorsement issued by the law enforcement agency from which they retired in good standing. Only those officers who qualify under HR 218, who present this agency with a signed affidavit of compliance, shall be provided the services outlined in Procedure §220, to include:

(a) Verification of identification;
(b) Range qualification; and
(c) Completion of a Liability Waiver.
221.1 POLICY
The Department utilizes various programs and positions within the Agency to further its mission. These do not fall within the normal patrol/investigative functions but may support these and other functions within the Department.

PURPOSE AND SCOPE
The purpose of this policy is to provide general guidelines governing these programs.

221.2 LEGAL ADVISOR
Informal Legal Opinions
Members may, through their chain of command, contact the Legal Advisor concerning Department legal problems. The request for an informal legal opinion may be oral. Informal legal opinions will be rendered verbally. Incident commanders at in-progress operations may contact the Legal Advisor directly.

Legal Advisor Evaluation Reports
Members may, through their chain of command contact the Legal Advisor and request the issuance of a Legal Advisor Evaluation Report. This report is used when a problem requires an answer which cannot be presented in the form of an informal legal opinion. The request for a Legal Advisor Evaluation Report may be rendered verbally.

Case Evaluation
The commander of any section or bureau may request legal evaluation of any case which requires an opinion of the Legal Advisor. The request for the evaluation shall be in writing. All pertinent documents should accompany the request. Case evaluations may be verbal or written.

Requests for Legal Opinions of the City Attorney, DA or Attorney General
Requests for outside legal opinions shall be reviewed by the Legal Advisor prior to transmittal. The Legal Advisor, when appropriate, will prepare a detailed Memorandum of Law concerning the subject matter of the request. The Memorandum of Law shall be transmitted with the request and filed with the Chief of Police.

Staff Meetings
The Legal Advisor shall be informed in advance of all staff meetings. The Legal Advisor shall attend staff meetings for the purpose of advising the staff with respect to legal matters. In addition, the Legal Advisor shall present any significant legal matters which have been brought to his/her attention.

Research & Practices
The Legal Advisor shall advise the Department with respect to any court decisions or legislation which may have any affect on the policies, regulations and procedures of the Department.

Training
The Legal Advisor shall review the curriculum of the Training Bureau and shall advise the Training Bureau Commander with respect to the legal aspects of the training program. The Legal Advisor shall be available for the purpose of delivering lectures on appropriate subjects to training classes. The Legal Advisor shall assist in the development of comprehensive training programs and aids designed to train the members of the Department to work within the framework of legal requirements.
Public Information
The Legal Advisor shall be available to advise the Chief of Police regarding the release of information to the public. In addition, the Legal Advisor shall be consulted by members on matters that involve possible civil liability, libel, and slander.

Departmental Orders
The Legal Advisor shall review all proposed SO’s orders and bulletins prior to publication for the purpose of determining legal sufficiency. In addition, the Legal Advisor shall review all training bulletins, orders and manuals currently in effect and determine their conformity to legal and Constitutional requirements.

City Attorney Liaison
The Legal Advisor shall be responsible to the Office of the City Attorney. The Legal Advisor shall consult with the Office of the City Attorney for the purpose of determining the sufficiency of case preparation and the quality of courtroom testimony of members. The Legal Advisor shall convey the Department’s policies to the Office of the City Attorney and shall be responsible for advising the Department concerning policies and suggestions of the City Attorney’s Office.

DA
The Legal Advisor shall consult the DA for the purpose of determining the sufficiency of case preparation and the quality of courtroom testimony. The Legal Advisor shall convey the Department’s policies to the DA and shall be responsible for advising the Department on policies and suggestions of the DA’s Office.

US Attorney
The Legal Advisor shall serve as the Department’s liaison with the Office of the US Attorney and other federal prosecuting agencies.

Courts
The Legal Advisor shall act as the Department’s legal liaison with the court system.

Legislative
The Legal Advisor shall consult with the Chief of Police and his staff concerning any proposed legislation which may affect the operations of the Department.

Bar Associations
The Legal Advisor may join the Bar Association and criminal law and legislative committees for the purpose of liaison and to present the Department’s policies and points of view to these groups.

Law Enforcement Agencies
The Legal Advisor shall perform liaison functions with other agencies as determined by the Chief of Police or the City Attorney.

Department Discipline
The Legal Advisor shall take no prosecutory part in police disciplinary proceedings.

Labor Negotiations
The Legal Advisor shall take no part in Department labor negotiation proceedings.

Reports
All written legal opinions of the Legal Advisor shall be in a form approved by the City Attorney. Memos shall be written in the standard Department format.
Other Duties
The Legal Advisor will be called, pursuant to staff officer authorization, at any time there is a question of civil liability on the part of the City or any member. The Legal Advisor shall perform other duties as may be assigned by the Chief of Police or the City Attorney.

221.3 DEPARTMENT VOLUNTEERS
The Department may use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities.

A volunteer performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, and persons providing administrative support, among others. A documented background investigation shall be completed on each volunteer applicant.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor.

221.4 PATRIOTIC PROTOCOL
National Anthem
When the National Anthem is played at any place where uniformed members are present, members shall stand at attention and salute the flag until the last note of the anthem.

Passing of the Flag
On approach of the American flag, uniformed members on foot shall render a military salute as the flag passes. The time to salute is when the flag is within six paces on approach, to end when the flag is beyond six paces on passing. Motorcycle officers at fixed post shall dismount and salute.

HQ Flag
The American flag shall be flown on the HQ flag pole every day of the year from sunrise to sunset, except during inclement weather.

No other flag shall be displayed above, equal to, nor in a position of superior prominence or honor to or in place of the American flag.

The flag will be flown at half-mast on Memorial Day and Veteran's Day, and on any other day specially designated by the President, Governor, City Council, Mayor, or Chief of Police.

221.5 FUNERAL DETAILS
221.5.1 FUNERAL DETAIL COMPOSITION
Active Members of the Department
The full Honor Guard contingent shall be detailed to attend. All on duty sworn members that can be released without hindering Department operations should attend. All off duty members are encouraged to attend.

Active City Officials & City Administrators
The full Honor Guard contingent shall be detailed to attend.

Others
An Honor Guard contingent of six members shall be detailed to attend funerals of retired members, active FFD members, active reserve officers, and active members of local law enforcement agencies killed in the line of duty.
Requested Honor Guard Attendance
On approval of the Chief of Police, six members of the Honor Guard shall be detailed to attend funerals of members’ relatives, County and State officials, active and retired members of local law enforcement agencies, or other persons when attendance is requested.

221.5.2 FUNERAL ESCORTS
At the direction of the Chief of Police, an escort may be assigned to a funeral detail.

221.5.3 UNIFORM
Members of the Honor Guard assigned to funeral details shall attend in full Honor Guard uniform. All other members assigned to funeral details shall attend in dress uniform or as directed by the Chief of Police.

221.5.4 ASSEMBLY
Members who attend a funeral in uniform shall be considered a member of the funeral detail and shall be commanded by the superior officer in charge. Assembly shall be outside of the location of the funeral, one-half hour prior to commencement of services, or as directed by the superior officer in charge.

221.5.5 OTHER AGENCY FUNERAL DETAILS
When uniformed members of this Department attend the funeral of a member of another law enforcement agency, the members shall report to and follow the instructions of the officer in charge of the uniformed detachment.

221.6 CHIEF’S ADVISORY BOARD
The mission of the Chief’s Advisory Board (CAB) is to enhance the level of trust between the community and the Department by freely discussing ideas and concerns, as well as educating the community on police related issues. The Chief’s Advisory Board is comprised of members of the community who volunteer to represent the diverse citizen groups within the City of Fresno in which they serve. CAB members may include community members serving the youth, as well as a youth representative. Members meet on a bi-monthly basis with Department staff to discuss issues affecting the Department and Fresno area residents.
Critical Incident Review Committee (C.I.R.C.)

224.1 POLICY
The Chief of Police will establish the Critical Incident Review Committee (CIRC) to critique incidents of a serious nature.

PURPOSE AND SCOPE
To critique incidents of a serious nature in order to:

(a) Identify training needs;
(b) Identify unsafe work practices and to recommend action to correct safety deficiencies;
(c) Evaluate the adequacy of equipment used by or available to members;
(d) Evaluate incidents occurring in other jurisdictions which may have training value for members;
(e) Assure that Departmental procedures and practices are consistent with legal, safety, and professional standards;
(f) Identify the need for changes in Department policy, state or local legislation, or labor agreements; and
(g) Assist in future planning efforts.

224.2 MEMBERSHIP OF THE COMMITTEE
A committee comprised of Department members will be established at the beginning of each calendar year. Membership shall include a staff officer appointed by the Chief of Police to serve as the chairperson, and the Police Department’s Legal Advisor. The remainder of the committee will consist of personnel holding the rank of police officer, specialist, sergeant or lieutenant. The F.P.O.A. may appoint one officer, specialist, or sergeant to serve as a member.

224.3 RESPONSIBILITY OF THE COMMITTEE
The Chairperson shall convene a meeting within ten days following an incident which the Chief of Police has ordered to be reviewed.

The committee shall not review any officer involved shooting investigation until after the required administrative investigation is completed and then, only for a purpose stated herein. No report generated shall identify the officer(s) whose actions are subject to critique, but rather will be limited to the areas set forth in § 224.1.

224.4 FINDINGS BY THE COMMITTEE
Generally, within thirty days, the findings and recommendations will be forwarded in writing to the Police Department’s Legal Advisor. After review, the Legal Advisor will forward the report to the Chief of Police. The report shall not be considered in any disciplinary action, nor shall it be admitted in any disciplinary proceeding. When approved by the Chief of Police, a staff member will be assigned responsibility for required follow up action.
224.5 OFFICER RIGHTS AND RESPONSIBILITIES
Nothing in this policy shall be construed or understood as a waiver of any rights or privileges that may be held by individual officers involved in the incident being reviewed.
Administrative Reports

225.1 POLICY
Administrative reports within the Department are completed to ensure that the goals and objectives of the Department are being met.

PURPOSE AND SCOPE
Administrative reports take different forms and include, but are not limited to, Performance Evaluations, Internal Investigations, Accident/Pursuit Reviews, Budget Requests, etc.

225.2 ADMINISTRATIVE REPORTS
The Executive Assistant to the Chief of Police is responsible for ensuring that any applicable administrative reports are included in the Annual Report each year.
Department Security

227.1 POLICY
No person shall be permitted access to the secure portions of any police facility unless he/she has lawful business that requires access.

227.2 VISITOR ACCESS

227.2.1 PUBLIC ACCESS
The public may enter HQ through the Mariposa Mall entrance and contact the Records Bureau window for assistance. Members and volunteers assigned to the Records Bureau window shall determine the needs of the person and direct them accordingly.

227.3 CHALLENGE OF UNAUTHORIZED OR WANDERING PERSONS
Members shall challenge any person not identified as provided in this policy who is observed in secure portions of Department buildings. Those persons found to be present without authorization shall be escorted to the lobby guard for screening.

Members shall contact any persons inside the building who appear unsure of where they are going and direct them to the place where their business is to be conducted.
Chapter 3 • General Operations
300.1 POLICY
It is the policy of the Department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to accomplish a legitimate law enforcement purpose.

PURPOSE AND SCOPE
The purpose of this policy is to provide officers of the Department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

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 police 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.

300.1.1 PHILOSOPHY
The Fresno Police Department maintains a high regard for human life and a high respect for the rule of law. In the operations of any public safety agency, there are many occasions in which the attending officer is faced with controlling the behavior of others. Generally, persons contacted by law enforcement officers are law abiding and/or compliant. Occasionally we contact a person that is noncompliant or assaultive. These encounters present serious threats to the safety of the community, the attending and/or arresting officer and even to the subject themselves. Undesirable consequences, such as injury or death, may result from these encounters. The principal philosophy of this Department mandates, without exception, that members exercise due caution in the application of force and respond in an objectively reasonable manner consistent with the authorities and restrictions that govern the use of force by law enforcement officers.

300.2 DUTY TO INTERCEDE
Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.3 PROFESSIONAL CONDUCT
This policy recognizes the evolving nature of case law as it relates to police tactics and evolving responsibility when assessing the apparent need for an application of force. This individual responsibility must include a reasonable judgment based on the information then available to the Department member and on the practical application of force option to achieve a legitimate police objective.

300.4 OBJECTIVELY REASONABLE FORCE
Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use 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 (Penal Code §835a).
The legal standard recognizes that Peace Officers are often required to make split-second judgments and rapidly respond to dynamic situations that are tense, uncertain, evolving, and potentially dangerous. Members shall evaluate each situation in light of the known circumstances and apply an appropriate use of force calculated to accomplish a legitimate law enforcement mission. In all cases, members shall consider the seriousness of the crime, the level of resistance, and the apparent threat to the safety of the community, the arresting officer, and the person or persons to be detained. The degree of force used will be that which is objectively reasonable to bring individual situations under control. The degree of force and the manner of its application shall be consistent with the training the member has received relative to its use and application.

300.4.1 CONSTITUTIONAL GUIDELINES FOR REASONABLE FORCE
Both Federal and State law authorize Peace Officers to use objectively reasonable force to accomplish a legitimate law enforcement mission. There are five recognized objectives that serve as the basis for the reasonableness of any police use of force. The five lawfully recognized objectives are:

(a) Self-defense;
(b) Defense of others;
(c) Effect an arrest or detention;
(d) Prevent an escape; or
(e) Overcome resistance.

Due to the immediacy with which a member must apply force, together with the absence of time and/or physical ability of the member to select alternative methods, it may be objectively reasonable for the member to apply that method of force most readily available that will effect the desired results.

300.4.2 JUSTIFICATION - KNOWN FACTS
The decision to use force, including deadly force, must be made based solely on the facts known to the member at the time force is used. Justification for the use of force shall be based on the situation as it reasonably appeared to the member(s) directly involved in its application. Facts unknown to the member at the time, no matter how compelling, cannot be considered later in determining the reasonableness of the member’s decision to use force.

300.5 NON-DEADLY FORCE APPLICATIONS
Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or very serious injury shall be considered non-deadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to force options in Policy Manual §§308, and 309 respectively.

300.6 DEADLY FORCE APPLICATIONS
As used in all Department documents, the terms "deadly force" and "lethal force" are used interchangeably and have the same meaning.

The intentional discharge of a firearm at an individual, with the exception of those firearms dedicated to less lethal munitions, constitutes deadly force. Deadly force is force that creates a substantial risk of causing death or serious bodily injury. While the discharge of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or serious bodily injury.
300.6.2 WARNING SHOTS
Warning shots are only permitted in situations where warning shots provide the potential ability to diffuse an escalating and potentially life-threatening incident. Department members shall only fire warning shots if the situation presented would otherwise justify a use of deadly force. Members are never required to fire any warning shots prior to the use of deadly force.

300.6.3 MOVING VEHICLES
Shooting at or from moving vehicles is rarely effective and can be hazardous to both innocent persons and officers. Firearms shall not be discharged at a moving vehicle or its occupants unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle itself. Members shall employ all reasonable means available to move to an area of safety if a vehicle becomes a threat, including retreating from the threat if necessary.

Department members shall avoid maneuvering into the path of an occupied vehicle and shall move out of the path of a moving vehicle rather than attempt to fire at the vehicle or its occupants. However, in rare isolated situations, circumstances may justify shooting at or from a moving vehicle.

300.6.4 VEHICLES AS WEAPON
The intentional striking of any person on foot or a bicycle with a motorized vehicle, regardless of the speed involved, shall be considered as the use of deadly force.

300.6.5 ADMINISTRATIVE LEAVE
Any member who seriously injures or causes the death of any person through any act occurring on-duty shall be placed on administrative leave until the member can meet with a competent mental health professional.
301.1 POLICY
In order to control subject(s) who are violent or who poses an immediate threat, the Fresno Police Department authorizes officers to use Pepper Projectile Systems (PPS) in accordance with the guidelines in this policy and the Use of Force Policy.

PURPOSE AND SCOPE
When properly applied in accordance with this policy and training received, the PPS is considered a less-than-lethal control device that is intended to control a subject who poses an immediate threat, while minimizing the risk of injury to officers and suspects.

301.2 USE OF THE PPS
As with any law enforcement equipment, the PPS has limitations and restrictions requiring consideration before its use. The PPS should only be used when its operator can safely approach the subject within the operational range of the PPS. Although the PPS is generally effective in controlling most individuals, members should be alert to the potential for failure and be prepared with other options.
302.1 POLICY
Only remote restraint devices (RRD) and cartridges issued by the Department shall be used by officers and only after the officers have successfully completed a Department approved training course on its proper use and deployment.

PURPOSE AND SCOPE
When properly applied in accordance with this Policy and training received, the RRD is considered a non-lethal control device that is intended to control a subject who poses an immediate threat, while minimizing the risk of injury to officers and suspects.

302.2 USE OF THE RRD
The remote restraint device is used for immobilizing and controlling resistive / non-compliant persons. The purpose of this device is to facilitate a safe and effective resolution in order to minimize injury to suspects, subjects, and officers. The RRD is designed to be utilized early in an encounter to de-escalate the situation.
Burglaries, Thefts & Alarms

303.1 POLICY
Unless advised otherwise by a reporting party, members will respond to all burglary, theft and alarm calls for service, as though they were "in progress", exercising caution and making safety a priority.

303.1.1 PURPOSE AND SCOPE
Property crimes although given a sometimes lower priority, should always be respected as being unpredictable and potentially dangerous. There are few extenuating circumstances that would exempt or preclude one from exercising these cautions.
Vehicle Thefts

305.1 POLICY
All reports of vehicle thefts shall be investigated to the fullest potential allowed by available resources as outlined within this policy.

305.1.1 PURPOSE AND SCOPE
Members shall reasonably attempt to contact the party reporting a vehicle theft and the registered owner of the vehicle being investigated. Members shall attempt to determine the disposition of the vehicle and report the appropriate related crime and disposition (e.g., possible stolen, stolen, possible embezzled, impounded, repossessed, recovered, etc.)
306 POLICY
The Fresno Police Department authorizes the use of restraint devices in accordance with this policy, Use of Force related policies and Department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

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

306.2 USE OF RESTRAINTS
Only members who have successfully completed Fresno Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices. Only Department-approved restraint devices and Department-authorized methods shall be utilized to restrain individuals that meet the criteria.

When deciding whether to use any restraint device, officers should carefully balance officer safety concerns with factors that include, but are not limited to:
(a) The circumstances or crime leading to the arrest;
(b) The demeanor and behavior of the arrested person;
(c) The age and health of the person;
(d) Whether the person is known to be pregnant;
(e) Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing in front to allow the person to sign or write notes; and
(f) Whether the person has any other apparent disability.

306.3 APPLICATION OF HANDCUFFS
Handcuffs (including temporary nylon or plastic cuffs, e.g. Flex Cuffs), may be used only to restrain a person's hands to ensure officer safety.

The following applies when a person is initially arrested and during the transportation of an arrestee:
(a) Suspects arrested for felonies shall be handcuffed. Disabled or injured suspects shall be controlled as safely as possible with proper consideration for their condition;
  1) Pregnant females should be restrained in the least restrictive manner that is effective for officer safety. Females in labor should not be restrained absent extraordinary circumstances and supervisor approval;
  2) Juveniles under 14 should not be restrained unless suspected of a dangerous felony, or the officer reasonably suspects the juvenile may resist, attempt to escape, injure him/herself or others, or damage property.
(b) Suspects arrested for misdemeanors may be handcuffed at the discretion of the arresting officer. The arresting officer shall take appropriate measures to prevent escape or harm to other persons;
(c) When applying handcuffs, the subject’s hands should be secured behind his/her back with the palms facing outward;
(d) The handcuffs shall be double-locked whenever possible; and
(e) Officers shall periodically inspect all handcuffed subjects to minimize the potential for injury from movement of the handcuffs.

Handcuffs should be removed as soon as it is reasonable or after the subject has been searched and is safely confined within the jail or within a holding cell designed to safely house that individual.

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Previously Issued: 12/01/2007
Supersedes Order(s): Policy 306, Policy 354
306.4 APPLICATION OF SPIT HOODS OR MASKS
Spit hoods or masks 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, during or after transport.

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.

306.5 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 auxiliary restraint devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

306.6 APPLICATION OF LEG RESTRAINT DEVICES
Leg restraints (i.e. hobble restraint) 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 48” strap style hobble leg restraint devices (e.g. RIPP Hobble) 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 suspect;
(b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers); and
(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).
307 POLICY
Members shall prepare a crime report on petty thefts of gasoline, beverages, food, cigarettes, etc. from businesses only when:
   (a) A suspect is in custody; or
   (b) There is any information that may result in identification of the suspect (i.e. a vehicle license plate); or
   (c) There is evidence of another crime present which requires reporting.

PURPOSE AND SCOPE
This policy provides guidelines members will follow to investigate petty thefts / shoplifts effectively utilizing available resources.

307.2 ELECTRONIC REPORTING (eREPORTING) SYSTEM
Any petty theft call from a commercial establishment shall be screened using the criteria listed above in Section 307.1. When the call does not meet the crime report criteria, the reporting party (RP) will be directed to the eReporting website located at http://www.fresno.gov/reportcrime to complete an eReport with the available information.
308.1 POLICY
Department members shall only utilize force options authorized by the Department and in a manner consistent with training, to control violent or threatening suspects.

PURPOSE AND SCOPE
To reduce and minimize injuries to officers and suspects, the Department authorizes the use of selected force options.

308.1.1 WHEN FORCE OPTIONS MAY BE USED
When a decision has been made to restrain or arrest a suspect, approved force options may only be used when their use appears reasonable under the circumstances.

The safety of hostages, innocent persons, and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Members should take into consideration factors which would impair the subject’s ability to comply with orders or place the subject at risk for sustaining significant injuries. These factors include age (children and elderly), pregnancy, physical or mental disabilities, and limited English proficiency.

A verbal warning, when feasible, should precede the application of the chosen force option, unless it would otherwise endanger the safety of members or when it is not practical due to the circumstances. The purpose of the warning is to:
(a) Provide the individual with a reasonable opportunity to voluntarily comply; and
(b) To provide other members and individuals with a warning that the chosen force option may be deployed.

Although force may be used to prevent a subject from swallowing evidence/narcotics, officers are discouraged from doing so except when necessary for the suspect’s safety.

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

308.2 AUTHORIZED FORCE OPTIONS
Only members who have successfully completed Department approved training and demonstrated proficiency in the use of any force option are authorized to carry and/or use the force option.

Exception: Weapons of Necessity

The Department authorized force options, in addition to the weapons of necessity as defined below, include the following:
(a) Baton – Uniformed officers should take their baton to any call that has the potential for the use of force;
(b) Oleoresin Capsicum (OC) Spray – Uniformed officers should take their issued OC spray to any call that has the potential for the use of OC spray;
(c) Chemical Agents – Use of chemical agents for crowd control/dispersal or against barricaded suspects shall be based on the circumstances;
(d) Pepperball – Use of Pepperball 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 or criminal behavior. Pepperball 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. Except in life threatening situations, the Chief of Police shall have the overall authority on the use and deployment of Pepperball projectiles;

(e) **Carotid Restraint Hold** – The proper application of the carotid restraint hold by a trained officer may be effective in quickly restraining a violent individual;

(f) **Pain Compliance / Control Hold Techniques** – Pain compliance/control hold techniques may be effective in controlling a physically or actively resisting individual;

(g) **Body Strikes** – Utilizing a body part (i.e. Forearm, elbow, knee, etc.) as a striking device may be appropriate when circumstances necessitate the immediate use of this force option to effectively bring an incident under control;

(h) **Less Lethal Impact Projectiles** – Less lethal impact projectiles are those munitions that are fired, launched or otherwise propelled that may reduce the likelihood of serious injury or death to the suspect. Less lethal impact projectiles include beanbag projectiles, launchable wooden, foam, or rubber batons, and rubber pellets;

(i) **Canine (K-9) Application** – The use of a Department K-9 with a trained handler may assist in providing specialized assistance in handling high risk calls, and locating criminal offenders, illegal narcotics, and dangerous explosives;

(j) **Tasers™** - When properly applied in accordance with Policy §309, the Taser™ device is considered a non-deadly control device which is intended to temporarily incapacitate a violent or potentially violent individual without causing serious injury; and

(k) **Firearms** – The use of firearms is considered deadly force and shall be applied in accordance with Policy §300.

The above list is not meant to be all inclusive, as there may be other appropriate force options available to members during any given situation.

308.2.1 **WEAPONS OF NECESSITY**

Due to the immediacy with which a member must apply force, together with the absence of time and/or physical ability of the member to select alternative methods, it may be objectively reasonable for the member to apply that method of force most readily available to accomplish a legitimate law enforcement purpose.
309.1 POLICY
Only electronic control devices (ECDs) & dart cartridges issued by the Department shall be used by officers and only after the officers have successfully completed a Department approved ECD training course on its proper use and deployment.

PURPOSE AND SCOPE
When properly applied in accordance with this policy, procedure, and training received, the ECD is considered a non-deadly control device that is intended to control a subject who poses an immediate threat, while minimizing the risk of injury to officers and suspects.

309.2 USE OF THE ECD
As with any law enforcement equipment, the ECD has limitations and restrictions requiring consideration before its use. The ECD should only be used when its operator can safely approach the subject within the operational range of the ECD. Although the ECD is generally effective in controlling most individuals, members should be alert to the potential for failure and be prepared with other options. When practical the ECD should be utilized with the dart cartridge in order to get and maintain a positive and continuous contact with the recipient.

309.2.1 APPLICATION OF THE ECD
Authorized personnel may use the ECD when circumstances known to the member at the time indicate that such application is reasonable to control a person in any of the following circumstances:
   (a) A violent or physically resisting subject; or
   (b) A subject who, by words or action has demonstrated an intention to be violent or who poses an immediate threat to officers, him/herself or others.

309.2.2 MULTIPLE APPLICATIONS OF THE ECD
If the first application of the ECD appears to be ineffective in gaining control of an individual and if circumstances allow, the member should consider the following before additional applications of the ECD:
   (a) Whether the probes or darts are making proper contact.
   (b) Whether the application of the ECD is interfering with the ability of the individual to comply.
   (c) Whether verbal commands, other options or tactics may be more effective.

Members should generally not intentionally apply more than one ECD at a time against a single subject. This, however, shall not preclude any member from deploying more than one reasonable application of the ECD on an individual.

309.2.3 REPORT OF USE
All ECD discharges shall be reported to a supervisor as soon as practical, and documented in the related arrest/crime report.

309.3 MEDICAL TREATMENT
All persons who have been struck by ECD darts or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking.
310.1 POLICY
The Department is committed to investigating officer involved shootings (OIS) to ensure member compliance with state and federal mandates, and with Department policy. An OIS investigation shall be initiated whenever a member intentionally uses deadly force against another person, and will not apply for situations involving warning shots only, dog OIS’s, or unintentional weapon discharges that do not result in the injury or death of any person.

PURPOSE AND SCOPE
To establish policy for the investigation of an incident in which a member intentionally discharges a firearm at a person. The intent of this policy is to ensure that such incidents be investigated in a thorough and impartial manner.

The OIS investigation process will apply to the following situations, unless otherwise directed by the Chief of Police, when an officer, either on or off duty:
- Intentionally discharges a firearm at a person;
- Accidentally discharges a firearm resulting in the injury or death of any person;
- Intentionally utilizes a vehicle to strike or attempt to strike a pedestrian suspect; or
- Is involved in a situation which results in an in-custody death.

Nothing in this policy is intended to increase, modify, or in any way affect the current legal standards regarding deadly force, nor shall any deviation from these guidelines be considered a breach of any legal standard.

310.2 TYPES OF INVESTIGATIONS
An OIS involves several independent investigations utilizing resources within the Department. The investigations include:
(a) A criminal investigation of the OIS;
(b) A civil liability investigation to determine potential liability conducted by the involved officer’s agency; and
(c) An administrative investigation conducted by the involved officer’s agency, to determine if there were any violations of Department policy.

The Chief of Police or his designee may relinquish the criminal investigation to an outside agency.

310.2.1 CRIMINAL INVESTIGATION
The Fresno Police Department Homicide Unit is responsible for the criminal investigation of any OIS involving a Fresno Police Officer that occurs within the City of Fresno. A representative of the District Attorney’s Office will respond to monitor the investigation.

Jurisdiction - Jurisdiction for the criminal investigation will be determined by the location of the shooting and the agency employing the involved officer(s):

Allied Agency Officer within this Jurisdiction - The Fresno Police Department is responsible for conducting the criminal investigation whenever an officer from an allied agency is involved in an OIS within the City of Fresno.
Fresno Police Officer in another Jurisdiction - The agency where the OIS occurred has criminal jurisdiction and is responsible for conducting the criminal investigation of the incident. That agency may relinquish its authority to conduct a criminal investigation to another agency upon mutual agreement.
310.2.2 ADMINISTRATIVE INVESTIGATION
The Department will conduct an internal administrative investigation into any OIS involving a Fresno Police Officer to determine conformance with Department policy. This investigation will be conducted under the supervision of the Internal Affairs Bureau and will be considered a confidential peace officer personnel file.

When an OIS involves an officer from an allied agency, the officer's employing agency will be responsible for any administrative investigation.

310.2.3 CIVIL LIABILITY INVESTIGATION
A civil liability investigation will be conducted regarding any OIS involving a Fresno Police Officer to determine facts which would establish or refute the civil culpability of the member involved in a shooting. 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.

When an OIS involves an officer from an allied agency, the officer’s employing agency will be responsible for any civil liability investigation.

310.3 OIS INVESTIGATION PROCESS
Upon completion of the criminal and administrative investigations as described above, the reports shall be forwarded simultaneously for review to the involved officer's chain of command (Division Commander, Captain and Lieutenant), via an electronic distribution process.

After review of both the administrative and criminal investigation reports, the involved officer’s Lieutenant, Captain and Division Commander will meet with the Administrative Division Commander and Chief of Police for the purpose of rendering a final disposition.

The entire investigative review process shall be completed and forwarded to the Internal Affairs Bureau for closure within six (6) months of the OIS.

310.3.1 INVESTIGATION STATUS UPDATE
In the event of a fatal OIS, the Chief of Police or his designee will contact the involved officer and the family of the deceased six (6) months after the OIS to provide an update of the investigation. The update will be limited to the status of the investigation as being on-going or completed. The involved officer and the family will be re-contacted by the Chief of Police or the same designee, when possible, at the conclusion of the investigation.

310.4 OFFICER INVOLVED SHOOTING REVIEW COMMITTEE (OISRC)
The OISRC is separate from the OIS investigation process. The OIS review is not intended to determine violations of policy, procedure, or whether or not an OIS is legally justified. The purpose of the OISRC is to:

- Provide timely feedback to the involved officers;
- Provide timely feedback to staff and Department members;
- Evaluate the need for policy review;
- Evaluate training needs; and
- Evaluate equipment needs.

The OISRC shall consist of the following members:

- The involved officer's Section/District Commander (committee chairperson), and Bureau Captain (or Captain as designated by the Division Commander);
- SWAT Commander or designated SWAT supervisor;
- Regional Training Center Commander or designated Regional Training Center supervisor;
- Policy and Procedures Unit representative; and
- FPOA representative.
The OISRC chairperson shall brief the Chief of Police on the committee’s findings within 30 days of the OIS. The chairperson will also meet with the involved officer to discuss the OISRC process as it relates to Department policy, training and equipment, as well as an opportunity for the involved officer to provide feedback on the OIS process.

310.5 MEDIA RELATIONS
All media contacts shall be handled by the Incident Commander, PIO, or Office of the Chief. The identities of involved officers shall not be released, absent their consent or as required by law. No involved officer shall be subjected to contact from the media [Government Code §3303(e)] and no involved officer shall make any comments to the media unless authorized by the Chief of Police or designee.

Members receiving inquiries regarding OIS incidents in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

310.6 INVOLVED OFFICERS
Any officer who discharges their weapon shall be placed on paid administrative leave following an OIS. The officer shall meet with a psychologist prior to returning to full-duty. Within 30 days of the OIS, the officer shall attend mandatory post-OIS training at the FPDRTC.
Bicycles (Lost / Stolen / Found)

311.1  POLICY
Lost, stolen, and found bicycles will be reported consistent with the procedures for Synoptical Reports. When identifiable suspect information is present, a crime report will be completed.

311.1.1  PURPOSE AND SCOPE
This policy provides guidelines members will follow to investigate lost, stolen, or found bicycles effectively utilizing available resources.
312.1 POLICY
The Chief of Police or his/her designee establishes approval for all firearms and ammunition carried on-duty or off-duty by any member of this Department.

PURPOSE AND SCOPE
This policy establishes procedures for the acquisition, handling, and documentation of training in the use of firearms carried by authorized members of the Department. All weapons shall be maintained in a state of operational readiness and are subject to inspection at any time.

312.2 HANDGUN DEFINITIONS
Issued On-Duty - The handgun issued by the Department to authorized members. Authorized uniformed members while on-duty shall carry the Department issued handgun, in a Department approved holster, with Department provided ammunition.

Optional On-Duty - An authorized handgun, meeting Department specifications, purchased and maintained by a member that is carried in lieu of the issued on-duty handgun. Sworn members working plainclothes assignments while on-duty may carry either the issued on-duty or optional on-duty handgun.

Authorized Off-Duty - Is a weapon, meeting Department specifications, carried by sworn members while not on-duty.

312.3 SAFE HANDLING AND STORAGE OF FIREARMS
Members will ensure that all firearms and ammunition are secured consistent with the provisions of (Penal Code §25100)

Members will maintain the highest level of safety when handling firearms.

312.4 FIREARMS QUALIFICATIONS
All members are required to train tri-annually (every four months) with all weapons they are authorized to carry at an approved range. Sworn members may not carry weapons on-duty, or in any official capacity, for which they do not hold a current Department qualification. Under extraordinary circumstances an officer may be required to utilize a different firearm in an official capacity if the weapon they are qualified to use is not readily available during that emergency.
312.6 FLYING WHILE ARMED
The Office of Law Enforcement/Federal Air Marshal Service maintains oversight of the Law Enforcement Officers flying armed program under Title 49 Code of Federal Regulation (CFR) §1544.219 Carriage of Accessible Weapons.

To qualify to fly armed, Federal Regulation states that an officer must meet the following basic requirements:

(a) Be a Federal Law Enforcement Officer (LEO) or a full-time municipal, county, or state LEO who is a direct employee of a government agency;
(b) Be sworn and commissioned to enforce criminal statutes or immigration statutes;
(c) Be authorized by the employing agency to have the weapon in connection with assigned duties; and
(d) Have completed the training program, “Law Enforcement Officers Flying Armed.”

In addition to the above requirements, the officer must demonstrate a need to have the weapon accessible from the time he or she would otherwise check the weapon until the time it would be claimed after deplaning. The need to have the weapon accessible must be determined by the employing agency, department, or service and be based on one of the following:

(a) The provision of protective duty, for instance, assigned to a principal or advance team, or on travel required to be prepared to engage in a protective function;
(b) The conduct of a hazardous surveillance operation;
(c) On official travel required to report to another location, armed and prepared for duty;
(d) Employed as a Federal LEO, whether or not on official travel, and armed in accordance with an agency-wide policy governing that type of travel established by the employing agency by directive or policy statement;
(e) Control of a prisoner, in accordance with Title 49 CFR § 1544.221, or an armed LEO on a round trip ticket returning from escorting, or traveling to pick up a prisoner’ or
(f) TSA Federal Air Marshal on duty status.
Counterfeit Currency

313.1 POLICY
Department members will investigate allegations of counterfeit currency in accordance with established procedures, with noted exceptions.

PURPOSE AND SCOPE
Counterfeiting of U.S. Currency and Coin is the primary jurisdiction of the U.S. Secret Service; however members will assist in the investigation when necessary. All other counterfeiting activities are the responsibility of this Department.

313.1.1 PURPOSE AND SCOPE
Counterfeiting of U.S. Currency and Coin is the primary jurisdiction of the U.S. Secret Service; however members will assist in the investigation when necessary. All other counterfeiting activities are the responsibility of this Department.

313.2 OTHER COUNTERFEIT DOCUMENTS
Investigation of counterfeit or false documents enumerated in Penal Code § 476, other than U.S. currency, is the responsibility of the Department. Such cases shall be investigated under the same guidelines as other criminal offenses.
314.1 POLICY
Only sworn members of this Department are authorized to engage in a vehicle pursuit of any violator or suspected violator of any laws. Pursuits should be discontinued when 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.

314.1.2 VEHICLE PURSUIT DEFINED
A vehicle pursuit is 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.
314.8 REPORTING REQUIREMENTS
Whenever a pursuit occurs, prior to completion of their shift, supervisors shall:

- Create a pursuit review package using the BlueTeam web interface to include answering related questions and selecting appropriate entries via drop down boxes;
- Click “save” (can be accessed by the IA secretary);

The supervisor shall ensure a written report and critique is prepared in an approved format (pursuit review form), to determine whether or not the pursuit was within Department guidelines. Once it has been completed, the critique will be submitted via BlueTeam along with the police report (and all
associated reports, i.e. collision report), audio recording of the pursuit and AVL data (if necessary) to the Pursuit Review Officer for review and a determination of the findings.

The following reports should be completed to comply with appropriate local and state regulations:

(a) The primary officer shall complete appropriate crime/arrest reports;

(b) Pursuant to VC §14602.1(b), the Pursuit Review Officer shall complete form CHP 187A, Allied Agency Vehicle Pursuit Report, to be filed with the CHP either electronically or on paper not later than 30 days after the pursuit. This pursuit report shall minimally contain the following information:
   1. Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the officers involved;
   2. The violation(s) that caused the pursuit to be initiated;
   3. The identity of the officers involved in the pursuit;
   4. The means or methods used to stop the suspect being pursued;
   5. The charges filed with the court by the district attorney;
   6. The conditions of the pursuit, including, but not limited to, all of the following:
      (a) Duration;
      (b) Mileage;
      (c) Number of officers involved
      (d) Maximum number of units involved;
      (e) Time of day;
      (f) Weather conditions; and
      (g) Maximum speeds.
   7. Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved;
   8. Whether the pursuit involved multiple agencies; and
   9. How the pursuit was terminated.

(c) After first obtaining available information, a field supervisor shall promptly complete a pursuit critique forwarding the critique to the Pursuit Review Officer via BlueTeam. This memo should minimally contain the following information:
   1. Date and time of pursuit;
   2. Length of pursuit;
   3. Involved units and officers;
   4. Initial reason for pursuit;
   5. Starting and termination points;
   6. Disposition: arrest, citation, etc. Arrestee information should be provided if applicable;
   7. Injuries and/or property damage;
   8. Medical treatment;
   9. Name of supervisor at scene;
   10. A preliminary determination, simply stating whether or not the pursuit appears to be in compliance with this policy; and
   11. Determine the need for any additional review and/or follow up.

The Pursuit Review Officer shall forward the critique and their findings to the Bureau Commander through the involved officer's chain of command via BlueTeam. The Pursuit Review Officer, or any staff officer in the chain of command, may return the critique to the supervisor and direct an internal investigation be conducted. The Pursuit Review Officer will conduct a documented annual analysis of pursuit reports.

Automated Vehicle Locator (AVL) data, including an analysis of the data, shall be included in pursuits resulting in administrative investigations or pursuits involving a collision resulting in serious injury or death. AVL data should be reviewed by members of the Field Automation System Unit for an accurate interpretation.
314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING
In addition to initial and supplementary POST training on pursuits required by PC §13519.8, all sworn
members of this Department will participate no less than annually in regular and periodic Department
training addressing this policy and the importance of vehicle safety and protecting the public at all
times, including a recognition of the need to balance the known offense and the need for immediate
capture against the risks to officers and others. [VC §17004.7(d)].

314.8.2 POLICY REVIEW
Each sworn member of this Department shall certify in writing that they have received, read and
understand this policy initially and upon any amendments. The Audit & Inspections Unit (AIU) will
conduct a documented annual review of pursuit policies and reporting procedures.

314.9 APPLICATION OF MOTOR VEHICLE PURSUIT POLICY
This policy is expressly written and adopted pursuant to the provisions of VC §17004.7, with additional
input from the POST Vehicle Pursuit Guidelines.
Officer Response to Calls

315.1 POLICY
When members are dispatched to a Call For Service (CFS), they should place themselves en route and respond without delay.

315.1.1 PURPOSE AND SCOPE
The Department recognizes the importance of timely response of police services to its citizens. The purpose of this policy is to provide a guideline to accomplish this task.

315.1.2 RESPONDING TO CALLS FOR SERVICE
Members handling calls for service (CFS) should direct their attention toward the long term solution of the problem.

315.2 CONFLICTING REQUESTS FOR SERVICE
When a member is dispatched to a call and encounters another situation requiring police service while enroute, he/she should advise the Emergency Services Dispatcher (ESD) of the situation and proceed according to the instructions of the ESD. When the member is instructed to continue on the original call, he/she should advise the person(s) involved in the second incident that another member will respond as soon as possible. Members encountering such a situation should not instruct the contacting citizen to call the Department. Instead, sufficient information shall be provided to the ESD to prepare an event for later dispatching.

Members responding to a high priority call (priority "0" and "1") should not stop or delay their response for any activity other than another emergency. The ESD shall be immediately notified of a new incident to permit a decision to be made as to whether the unit will be preempted for the new emergency or required to respond to the original call.

315.3 PRELIMINARY CRIMINAL INVESTIGATIONS
Members assigned to reports of crimes are responsible for the satisfactory disposition of the call including investigation, enforcement, and necessary reports.
316.1 POLICY
Officers responding "Code-3" (with lights and siren) 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.

Officers responding Code-3 are not relieved of the duty to continue to drive with due regard for the safety of all persons.

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

316.4 NOTIFICATION OF CODE-3 RESPONSE
Except in response to a call of an officer needs help, any officers responding Code-3 shall state over the radio that they are responding Code-3 and give their location.

316.5 SUPERVISORY RESPONSIBILITY
It is the responsibility of all supervisors to review Code-3 responses by their subordinates to ensure compliance with this order. Supervisors shall monitor their subordinates’ emergency driving to ensure that they drive with due regard for the safety of all persons using the highway. Improper driving behavior which is identified shall be corrected through counseling, training, or disciplinary measures.
U.S. Mail Offenses

317.1 POLICY
Members who are assigned to any U.S. mail offense are responsible for conducting the initial investigation and reporting the incident in the absence of a Postal Inspector. Members shall request special routing to the Postal Inspector of pertinent reports they have written.

317.1.1 PURPOSE AND SCOPE
Title 18, § 1708 USC, makes it a felony to possess stolen mail. Officers who come into contact with persons suspected of possessing stolen mail shall consider enforcement action as with any other criminal offense. Officers may, upon probable cause, seize and book the suspected stolen mail. A copy of reports of the incident shall be forwarded to the Postal Inspector by Records Bureau personnel.

317.2 NOTIFICATION OF POSTAL INSPECTOR
The Postal Inspection Service has authority to conduct primary and follow-up investigations of offenses having to do with the mails including:

(a) Post Office burglary, robbery, etc;
(b) Theft of mail;
(c) Possession of stolen mail;
(d) Assaulting mail custodian;
(e) Forgery of postal money orders;
(f) Fraudulent use of the mails;
(g) Obscene matter in the mails;
(h) Explosives, poisons, etc., in the mails; and
(i) Damage to mailboxes or mail.
318.1 POLICY
It is the policy of the Fresno Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

318.11 PURPOSE AND SCOPE
The Fresno Police Department maintains a high regard for human life and a high respect for the rule of law. This policy establishes guidelines for the use of canines to augment police services to the community including, but not limited to locating individuals and contraband and apprehending criminal offenders.

318.2 TRAINING
Before assignment in the field, each canine team shall be trained and certified to meet current California P.O.S.T. standards or the Department’s chosen certifying agency. Cross trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet the standards established for such detection dogs by the California Narcotic Canine Association or the Department’s chosen certifying agency.
Robberies & Alarms

319.1 POLICY
Unless advised otherwise by a reporting party, officers will respond to all person and business robberies, robbery alarms, and silent hold-up alarm calls for service, as though they were "in progress", exercising caution and making safety a priority.
Domestic Violence

320.1 POLICY
The official Department response to cases of domestic violence shall be: to stress the enforcement of the laws, to protect the victim, and to communicate the attitude that violent conduct in the home is criminal behavior and will not be tolerated.

320.1.1 PURPOSE AND SCOPE
Domestic violence is alleged criminal conduct and it is the policy of the Fresno Police Department to stress enforcement of criminal laws related to domestic violence, the protection of the victim, and the availability of civil remedies and community resources. This includes the arrest of domestic violence offenders if there is probable cause to believe an offense has occurred.

In responding to domestic violence incidents, officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider:

(a) The intent of the law to protect victims of domestic violence from continuing abuse;
(b) The threats creating fear of physical injury;
(c) The history of domestic violence between the persons involved; and
(d) Whether either person acted in self-defense.

320.2 ENFORCEMENT OF DOMESTIC VIOLENCE
It is the intent of the Legislature that the official response to domestic violence stresses the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is criminal behavior and will not be tolerated. The following factors should not be used to avoid making an arrest:

(a) Marital status of suspect and victim;
(b) Whether or not the suspect lives on the premises with the victim;
(c) Existence or lack of temporary restraining order;
(d) Potential financial consequences of arrest;
(e) Complainant’s history or prior complaints;
(f) Verbal assurances that violence will cease;
(g) Complainant’s emotional state;
(h) Non-visible injuries;
(i) Location of the incident (public/private);
(j) Victim does not want to prosecute or make private person’s arrest;
(k) Speculation that complainant may not follow through with the prosecution; and
(l) The case may not result in a conviction.
320.2.1 FELONY ARRESTS
In accordance with state law, an arrest should be made when there is probable cause to believe a felony has occurred.

320.2.2 MISDEMEANOR ARRESTS
In accordance with state law, an arrest should generally be made when there is probable cause to believe a misdemeanor, including violations of court orders, has occurred.

(a) Police officers may make an arrest without a warrant for a misdemeanor assault or battery not committed in their presence when it is committed upon:
   1. A current or former spouse;
   2. A current or former cohabitant (Family Code § 6209 definition);
   3. A fiancé or fiancée;
   4. A person with whom the suspect currently is having or has previously had an engagement or dating relationship;
   5. A person with whom the suspect has parented a child;
   6. A child of the suspect or a child of one of the above listed categories; or
   7. Any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship.

(b) Both of the following conditions must be present in order to make an arrest in this situation pursuant to Penal Code § 836(d):
   1. The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed; and
   2. The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.

320.2.3 FIELD RELEASE (CITE & RELEASE)
A field release may not be used and a physical arrest should be made when there is a reasonable likelihood that the offense may continue or resume, or that the safety of persons or property would be imminently endangered by releasing the arrested person in the field (Penal Code § 853.6).

Citizens should refer to the provisions of Policy § 420 for further information regarding the Department’s cite & release policy.

320.2.4 PRIVATE PERSON’S ARREST
The Department will assist with all private person arrests that are made lawfully pursuant to Penal Code § 837. 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).

Citizens should refer to the provisions of Policy § 364 for further options regarding the disposition of private person’s arrests.
320.3 COURT PROTECTIVE ORDERS

Various types of restraining orders may be issued by various courts in domestic violence cases. All valid out-of-state and tribal court restraining and protective orders should be enforced. Penal Code § 13710 requires all law enforcement agencies to maintain complete and systematic records of all protection orders relating to domestic violence incidents, restraining orders, and proofs of service which are in effect. This section also requires that these records be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protection orders on file. It shall be the responsibility of the Records Bureau to maintain these records.

320.3.1 VERIFICATION OF RESTRAINING ORDERS

When a complainant advises of the existence of a restraining order, this policy requires officers to immediately attempt to determine the following (Code of Civil Procedure § 527.8(i)(3)).

(a) Whether a restraining order is on file with the Department or whether the complainant has a copy of the restraining order in his/her possession;
(b) Whether there is valid restraining order on file with the Department of Justice Domestic Violence Restraining Order System (Family Code § 6383(d));
(c) Whether the proof of service or prior notice exists or that the suspect was in court when the order was made; and
(d) The terms of the restraining order.

In the event the suspect is no longer at the scene, officers shall document the incident for follow up investigation.

320.3.2 ENFORCEMENT PROCEDURES

Violation of a restraining order is a misdemeanor under Penal Code §§ 273.6 or 166(4). An arrest should be made when probable cause exists to believe the subject of a restraining order has violated the order whether or not in the presence of an officer and evidence of proof of service of the order exists.

320.3.3 EMERGENCY PROTECTIVE ORDERS

Members should request an EPO if any of the following conditions exist:

(a) The victim requests an EPO;
(b) The investigating officer has grounds to believe that there is an immediate danger of continuing violence against the victim;
(c) The investigating officer or victim believes the potential for further violence or threats exists;
(d) When a child is in immediate danger of abuse by a family or household member; or
(e) When a child is in immediate danger of being abducted and taken from the jurisdiction by a parent or relative.

Note: The above list is not all inclusive and there may other non-domestic violence related incidents in which officers could request an EPO.

320.3.4 COURT ORDERS

Stay-away orders are issued in criminal cases when the probability of victim intimidation exists. Violation of a stay-away order is a misdemeanor under Penal Code § 166(c)(1).
Witness intimidation is also a violation of Penal Code § 136.1 and potentially a violation of Penal Code § 422. Examples of witness intimidation include attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding, or using force or expressing or implying a threat of force or violence related to the court proceeding.

Officers will use the same guidelines for verification and enforcement of stay-away orders as listed in Policy §§ 330.3.1 and 330.3.2.

320.4 VICTIM ASSISTANCE
During the course of investigating and reporting domestic violence cases, an officer may assist a victim in many ways. Some suggested methods of assistance are:

(a) Assist in obtaining appropriate medical attention if a victim claims injury, whether visible or not;
(b) Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for safety, or the officer determines a need exists;
(c) Stand by for a reasonable amount of time when a victim requests police assistance while removing essential items of personal property;
(d) Explain legal options available to the victim including the private person’s arrest process, temporary restraining and stay-away orders, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings; and
(e) Advise the victim of available community resources and the State Victim Assistance Program.

320.4.1 DOMESTIC VIOLENCE INFORMATION FORM
In all cases of domestic violence, whether an arrest is made or not, investigating officers shall furnish the victim with a copy of the Domestic Violence Victim Information Form. This form shall include the report number of the investigation as a reference for the victim to contact Domestic Violence Unit detectives at a later time.

320.5 REPORTING POLICY
A police report shall be written to cover all incidents of domestic violence.

320.5.1 RECORD-KEEPING RESPONSIBILITIES
Penal Code § 13730 also requires that all law enforcement agencies maintain records on the number of domestic violence related calls reported to their agency and to include whether or not weapons were used in the incident. 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.

320.6 PUBLIC ACCESS TO POLICY
A copy of this domestic violence policy will be provided to members of the public upon request. (Penal Code § 13701(c)).
321.1 POLICY
The Department will treat the members of the community in strict obedience to the rights against unreasonable search and seizure as guaranteed under the Constitution of the United States of America and of the laws of the State of California.

321.1.1 PURPOSE AND SCOPE
Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. This policy is intended to provide a few of the basic guidelines that may assist an officer in field contact situations.

321.2 DEFINITIONS
Arrest – Taking a person into custody, in a case and in the manner authorized by law.

Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

Consensual Contact - Occurs 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.

Consent Search - A search conducted with the voluntary consent of the person to be searched.

Field Contact - A contact with any member of the public, which may be classified as a consensual contact, detention, or an arrest.

Probable Cause - A set of facts based on the totality of the circumstances that would lead 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.

Reasonable Suspicion - Occurs 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.

Voluntary Consent – Consent given as a product of the individual's free will and uncontaminated by any duress, coercion, intimidating conduct, or other "pressure tactic," whether direct or indirect.
322.1 POLICY

It is the policy of the Fresno 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.

Consistent with CA POST requirements, 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.

322.1.1 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 the Fresno Police Department personnel to consider when dealing with search and seizure issues.

322.2 DEFINITIONS

Consent Search: This is a search of a person, a person’s belongings, residence, vehicle, etc., and it is used by officers in the field after obtaining valid consent. For a consent search to be valid, the consent must be voluntary (i.e., not "coerced" by force, threats, tricks, promises, or the exertion of authority); and obtained from a person with authority, or "apparent" authority, to give that consent.

Pat Down Search: This is the normal type of search used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the subject, or other subjects.

Custody Search (Searches incident to a lawful arrest): This search involves a thorough patting down of an individual’s clothing, shoes, property and possessions of an arrestee. All pockets, cuffs, etc., on the clothing are checked to locate all personal property, contraband, or weapons. The prisoner’s personal property is taken and inventoried.

Strip Search: This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person [Penal Code §4030(c)].

Physical Body Cavity Search: This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person [Penal Code §4030(d)(1)].


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;
- Probation/Parole authorization;
• Incident to a lawful arrest;
• Legitimate community caretaking interests;
• Vehicle searches under certain circumstances; and
• 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.

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). Officers 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; and
(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; and
   3. Officers will use the back side of their hands and fingers to search sensitive areas of the opposite sex to include the breast, crotch and buttocks areas.
(f). Metal detecting wands and walk through metal detectors should be utilized whenever available and appropriate (e.g., wand may not be appropriate for an initial pat down search).
Search Warrants / Pre-Planned Tactical Operations

323.1 POLICY
Officers shall take the necessary steps to plan all warrant services carefully to prevent injury to suspects and members. Search warrants are only to be executed by sworn personnel.

323.1.1 PURPOSE AND SCOPE
A pre-planned tactical operation is any operation where officers plan on taking some sort of enforcement action. Examples of pre-planned tactical operations are search warrants, knock and talks, probation/parole searches, arrest warrants, etc.
324 POLICY
The Fresno 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 Department facilities. Juveniles should be held in temporary custody only for as long as reasonably necessary for investigative purposes, processing, transfer or release. When a juvenile is placed in temporary custody of the Fresno Police Department, officers shall identify the purpose for taking temporary custody of the juvenile and determine the appropriate manner in which the juvenile is to be detained.

324.1.1 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 Fresno Police Department (42 USC §5633).

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

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

Non-secure detention - 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 detention 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 (WIC §207.1(d); 15 CCR §1150).

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

Secure detention - When a juvenile offender is held in a locked room, a set of rooms or a cell. Secure detention also includes being physically secured to a stationary object (15 CCR §1146). Examples of secure detention include:
(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area; i.e. prisoner processing center within CSIB.
(b) A juvenile handcuffed to a rail.
(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
(d) A juvenile being processed in a secure booking area when an unsecure 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 with adult prisoners.

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 or 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 WIC §601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

324.3 AUTHORITY TO DETAIN
Legal authority for taking custody of juvenile offenders is found in WIC §625.

324.3.1 ADVISEMENT
In any case where a juvenile is taken into temporary custody, the juvenile should be promptly advised of his/her Miranda rights to ensure the admissibility of any spontaneous statements, whether or not questioning is intended (WIC §625).

324.4 TYPE OF CUSTODY
324.4.1 JUVENILE NON-OFFENDERS
Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Fresno Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure detention (42 USC §5633; WIC §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 W&I §602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination.

324.4.2 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). Status offenders shall not be held in secure detention (42 USC §5633).

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

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 (WIC §625).

324.5. JUVENILE DETENTION LOGS
Any time a juvenile is held in custody at a Department facility, the detention shall be promptly and properly documented in the juvenile detention log.

324.6 JUVENILE CONTACTS AT SCHOOL FACILITIES
Officers should make every reasonable effort to notify school officials prior to contacting a student on campus while school is in session.
324.7 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. Officers of this department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

324.7.1 RELEASE OF INFORMATION BY SUPERIOR COURT ORDER
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 Policy Manual. Such releases are authorized by WIC §827.

324.8.4 DISCIPLINE OF JUVENILES
Police personnel are prohibited from administering discipline to any juvenile.

324.8.5 DEATH OF A JUVENILE WHILE DETAINED
In the event of a juvenile’s death while being detained at this department, the District Attorney’s Office and the Sheriff-Coroner’s Office will conduct the investigation of the circumstances surrounding the death. The Investigative Services Division Commander or his/her designee will conduct an administrative review of the incident.

324.9 INTOXICATED AND SUBSTANCE ABUSING MINORS
Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.
325.1 POLICY
When exigent circumstances indicate an immediate threat to the life of a person other than a wanted or suicidal subject, officers are expected to take necessary action to preserve life, including forced entry. When no immediate threat to life exists, officers should request supervisor response and establish containment and control over the scene.

325.1.1 PURPOSE AND SCOPE
Due to increased risk, options other than forced entry should be explored whenever practical. Unless there is a need for immediate action to preserve life, officers should attempt to slow the pace of the call, request additional resources, and ensure scene containment. This policy provides general guidelines for Fresno Police Department personnel to consider when deciding whether or not to force entry to a location.

325.2 CONSIDERATIONS
Factors to consider when determining whether or not to force entry include, but are not limited to:
(a) Seriousness of the suspected offense;
(b) Need or exigency to force entry immediately versus waiting for additional resources;
(c) Warning signs present (History at location, firearms present, etc.);
(d) Control of on-scene involved parties;
(e) Available force options;
(f) Availability of other resources such as Crisis Negotiators, mental health advocates, etc.;
(g) Whether to breach and hold vs. breach and enter immediately;
(h) Contingency plans if forced entry doesn't go as planned;
(i) Attempts to communicate with subject(s) inside location; and/or
(j) Any information indicating the subject is armed and barricaded.
326.1 POLICY
The Fresno Police Department will investigate all reported incidents of alleged elder and dependent adult abuse and ensure proper reporting and notification as required by law.

326.11 PURPOSE AND SCOPE
The purpose of this policy is to provide members with 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 as required by law.

326.2 DEFINITIONS
For purposes of this policy, the following definitions are provided (Welfare and Institutions Code §15610; et seq. and Penal Code §368).

Dependent Adult means any person residing in this state, regardless of whether the individual lives independently, between the ages of 18 and 64 years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or 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. Dependent Adult includes any person between the ages of 18 and 64 years who is admitted as an inpatient to a 24 hour health facility, as defined in Health and Safety Code §§1250, 1250.2, and 1250.3.

Elder means any person residing in this state, 65 years of age or older.

Financial Abuse means a situation in which any person who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property by undue influence or intent to defraud (Welfare and Institutions Code §15610.30).

Abuse of an Elder or a Dependent Adult means physical abuse including but not limited to any assault or sex crime, (Welfare and Institutions Code §15610.63) neglect, financial abuse, abandonment, isolation or other treatment with resulting physical harm, pain, mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

Adult Protective Services Agency means a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff.

Neglect means the negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care which a reasonable person in a like position would exercise. Neglect includes, but is not limited to, all of the following:

(a) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter;
(b) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone instead of medical treatment.
328.1 POLICY
The Fresno Police Department is committed to creating and maintaining a work environment that is free of all forms of discrimination and intimidation, including sexual harassment. The Department will take preventative, corrective and disciplinary action for any behavior that violates this policy or the rights and privileges it is designed to protect. All complaints will be fairly, timely, and thoroughly investigated. All parties will be accorded appropriate due process and conclusions will be based on the evidence collected.

328.1.1 PURPOSE AND SCOPE
To prevent members from being subjected to discrimination or sexual harassment and to ensure full equal employment opportunity, in conformance with Title VII of the Civil Rights Act of 1964, the guidelines issued by the Equal Employment Opportunity Commission, the California Fair Employment and Housing Act and the guidelines issued by the California Fair Employment and Housing Commission will be adhered to.

328.2 DEFINITIONS
328.2.1 DISCRIMINATION
Any act or omission of an act which would create a hostile work environment, or exclude any person from employment or promotional opportunities because of race, color, ancestry, religious creed, national origin, sex, sexual orientation, gender, gender identity, gender expression, physical disability (including HIV and AIDS), mental disability, medical condition, genetic information, age, marital status, military and veteran status, or denial of family and medical care leave or pregnancy disability leave.

Discrimination includes, but is not limited to, derogatory comments, slurs or jokes, pictures, cartoons or posters, and actions which result in an employee being offended or insulted because of a protected classification status enumerated in Policy Manual §328.2.4 of this order.

328.2.2 SEXUAL HARASSMENT
(a) Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature when:
   1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
   2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; and/or
   3. Conduct that has the purpose or effect of interfering with an employee’s work performance or creating an intimidating, hostile, or offensive work environment, or alters the working conditions such that the conduct makes it more difficult for the employee to do their job.

(b) Discrimination/harassment does not include the following:
   1. Bona fide acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission and California Fair Employment and Housing Commission Guidelines; and/or
   2. Bona fide requests or demands by a supervisor that the employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or departmental rules or regulations, or any other appropriate work related communication between supervisor and employee.

328.2.3 RETALIATION
An adverse action taken against an employee for making a complaint of discrimination or harassment, or for cooperating in the investigation of such allegations.
328.2.4 PROTECTED CLASSES DEFINED
Age- The chronological age of any individual who has reached his or her 40th birthday.

Gender- A person’s sex, gender identity and gender expression.

Gender Expression- A person’s gender-related appearance or behavior, whether or not stereotypically associated with the persons’ sex at birth.

Gender Identity- A person’s identification as male, female, a gender different from the person’s sex at birth, or transgender.

Genetic characteristic- Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his/her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.

Genetic Information- A person’s genetic tests and the genetic tests of an individual’s family members; information about the manifestation of a disease or disorder in an individual’s family members (i.e. family medical history); An individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Medical Condition- Any health impairment related to or associated with any genetic characteristics or a diagnosis of cancer, a record, or history of cancer.

Mental disability- Includes, but is not limited to, all of the following:
• Having any mental or psychological disorder or condition, such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity.

Physical disability- Includes, but is not limited to, all of the following:
• Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:
  o Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; and
  o Limits a major life activity.

Religion/ religious creed- Include all aspects of religious belief, observance, and practice, including religious dress and grooming practices.

Sex- A person’s biological or anatomical identity as male or female; which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth, and breastfeeding.

Transgender- A person whose gender identity differs from the person’s sex at birth. A transgender person may or may not have a gender expression different from social expectations of the sex assigned at birth and may or may not identify as transsexual.
328.3 RESPONSIBILITIES
This policy applies to all Department personnel. All members shall follow the intent of these guidelines in a manner that reflects Department policy, City Administrative Order 2-16, professional law enforcement standards (CALEA, POST, IACP, etc.), and the best interest of the Department and its mission.
Assaults

329.1 POLICY
Any allegation of a criminal assault being committed will be investigated to the fullest extent by members of this Department with appropriate, timely, and accurate evidence collected if possible.

329.1.1 PURPOSE AND SCOPE
To ensure that no assault is unreported and ensure that efforts are made to collect and archive all evidence to aid in the prosecution of the perpetrator.
Child Abuse Reporting

330.1 POLICY
The Fresno Police Department treats reports of crime against children involving suspected abuse as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s).

330.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for reports of suspected child abuse and the taking of minors into protective custody.

330.2 DEFINITIONS
For purposes of this section the following definitions are provided:

Child • means a person under the age of 18 years.

Child Abuse • means a physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual abuse or any act or omission proscribed by Penal Code § 273a (willful cruelty or unjustifiable punishment of a child) or Penal Code § 273d (unlawful corporal punishment or injury). Child abuse also means the neglect of a child or abuse in out-of-home care. Child abuse does not include a mutual affray between children. Child abuse does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer. (Penal Code § 11165.6).

Child Protective Agency • means a police or sheriff’s department, a county probation department or a county welfare department. This section does not include school district police or security department.

330.3 CHILD ABUSE REPORTING
Pursuant to Penal Code § 11165.9, this Department is defined as a "child protective agency". All members of this Department are responsible for the proper reporting of child abuse. Any member who encounters any child whom he or she reasonably suspects has been the victim of child abuse shall immediately take appropriate action and prepare a crime report pursuant to Penal Code § 11166.

330.3.1 RELEASE OF REPORTS
Reports of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to Penal Code § 11167.5 and Policy Manual § 810.

330.4 TEMPORARY CUSTODY OF JUVENILES
Pursuant to Welfare and Institutions Code § 300 et seq., a child may be taken into protective custody if he/she is the victim of suspected child abuse.
Threatening / Annoying Phone Calls

331.1 POLICY
Members assigned to investigate or who receive a report of a possible phone offense shall determine the seriousness of the threat as defined in Penal Code § 653 (m), and contact the reporting party either in person or via telephone as appropriate.

331.1.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure all reports of telephone threats are taken seriously and investigated effectively utilizing available resources.

331.2 MEMBER RESPONSIBILITY IN SERIOUS THREAT CASES
The member assigned to investigate an unlawful phone call case shall determine if the calls are of such a serious or life•threatening nature that immediate establishment of a phone trap (to try to identify the source of the call) is warranted. If so, the responding member shall contact his/her supervisor.
332.1 POLICY
Members shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property [Penal Code §14211].

Reports shall be taken on missing persons regardless of jurisdiction.

332.1.1 PURPOSE AND SCOPE
This policy establishes the criteria for acceptance, reporting, documenting and investigating missing persons. Penal Code §§ 14200 through 14215 and §§ 14250 and 14251, Welfare and Institutions Code § 1300, as well as 42 USC 5779(a), specify certain requirements relating to missing persons.

332.2 DEFINITIONS (PENAL CODE §14215)
Missing Person - Any person whose whereabouts are unknown to the reporting party including, but not limited to, a child taken, detained, concealed, enticed away or retained by a parent in violation of Penal Code § 277 et seq.

Missing person also includes any child who is missing voluntarily (runaway juvenile), involuntarily or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance. (Penal Code § 14215)

Exception: Adults who have no known mental deficiencies, and who are in no apparent danger, but who freely and voluntarily choose to end contact with friends, relatives, associates, or caretakers, shall not be considered nor handled as missing persons.

(Members may initiate an attempt to locate broadcast, as a public service.)

At Risk Includes, but is not limited to, evidence or indications of any of the following:
- The person missing is the victim of a crime or foul play;
- The person missing is in need of medical attention;
- The person missing has no pattern of running away or disappearing;
- The person missing may be the victim of a parental abduction/kidnapping; and/or
- The person missing is mentally impaired, cognitively impaired or developmentally disabled.

Child - While California considers a child to be a person under eighteen years of age, for purposes of this section federal law considers any person under the age of twenty one years to be a child.

332.3 SCHOOL NOTIFICATION
Education Code § 49068.6 requires law enforcement to notify the school in which the missing child is enrolled, within ten (10) days. The school shall “flag” a missing child’s record and immediately notify law enforcement of an inquiry or request for the missing child’s records.
Drug Influence Cases

333.1 POLICY
Officers who encounter a person who appears to be under the influence of drugs should detain the person and investigate.

333.1.1 PURPOSE AND SCOPE
The purpose of this policy is to protect the public and individuals from the dangers associated with being under the influence of drugs.
334.1 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.

334.1.1 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 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.

334.3 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.

334.4 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)

334.5 CODE RED ALERTS
The Code Red Emergency Notification System may be used for significant incidents and events where the timely notification of an effected population or geographic area of the City of Fresno is essential or highly desirable.
Drug Enforcement

335.1 POLICY
Department members will investigate allegations of marijuana cultivation, illegal drug laboratories, and narcotic sales in the City of Fresno.

335.1.1 PURPOSE AND SCOPE
The intent of this policy to control illegal narcotics activity with regards to marijuana cultivation, drug laboratories, and narcotic sales and operations utilizing appropriate local, state, and federal resources.
336.1 POLICY
Every member investigating a crime will ensure the victim and/or witness has been provided with information about the existence of local victim services and a copy of the Victim’s Bill of Rights, also known as Marsy’s Rights.

336.1.1 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 DEFINITIONS
California Constitution, Section 28, Article 1 and Penal Code §679 provide definitions for the following:

336.2.1 VICTIM DEFINED
In accordance with California Constitution, Section 28, Article 1,"Victim" shall mean a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term 'victim' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated.

The term 'victim' does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim.

336.2.2 WITNESS DEFINED
In accordance with Penal Code §679.01,"Witness" shall mean any person who has been or is expected to testify for the prosecution, or who, by reason of having relevant information, is subject to or likely to be called as a witness for the prosecution, whether or not any action or proceeding has yet been commenced.

336.2.3 CRIME DEFINED
Penal Code §679.01 defines a crime as an act committed in this state which, if committed by a competent adult, would constitute a misdemeanor or felony.
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Animal Problems

337.1 POLICY
When called upon, members will assist to the extent necessary to maintain peace and the public safety on animal related incidents.

337.1.1 PURPOSE AND SCOPE
While the Department does not act in the role of animal control or provide that service to the public, it is often called upon as a "first responder" to such calls. As such, every effort must be made to ensure the public is not placed in harms way, is provided necessary medical aid if needed and is afforded the proper referrals and documentation to maintain the public peace.

337.2 ANIMAL BITES
Members will not be dispatched to animal bite calls. RPs shall be advised to call the Fresno County Health Department Rabies Program during business hours. The RP should also be advised to consult with their physician.

Exceptions: Members will be dispatched to animal bites when one or more of the following special circumstances exist:

(a) A crime is involved;
(b) The animal poses a threat to the public (i.e., vicious dog); or
(c) There are major injuries or death.

337.3 OWNER'S RESPONSIBILITIES
When the owner of a dog that has bitten a person is located, the owner shall be informed that he/she is required by Fresno Municipal Code (FMC) § 10•322 to quarantine the animal and report the incident to the Fresno County Health Department.

337.3.1 IMPOUNDING ANIMALS WHICH HAVE BITTEN
Animals that have attacked, bitten, and/or injured any person or other animal may be impounded when the owner is unavailable, unwilling, or unable to quarantine the animal. The SPCA shall be requested to respond to impound the animal pursuant to FMC § 10•310.
338.1 POLICY
This Department will utilize all available resources to see that justice is served under the law when an individual’s guaranteed rights are infringed upon by violence, threats or other harassment.

338.1.1 PURPOSE AND SCOPE
This Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. This policy has been developed to meet or exceed the provisions of Penal Code §13519.6(c) and provides members of this Department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.2 DEFINITIONS
**Hate Crime** – PC §422.55(a) defines a hate crime as either a violation of PC §422.6 or 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, gender identity, or gender expression;
(c) Nationality;
(d) Race or ethnicity;
(e) Religion;
(f) Sexual orientation;
(g) Association with a person or group with one or more of these actual or perceived characteristics;
(h) Examples of hate crimes include, but are not limited to:

1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (PC§422.6).
2. Defacing a person’s property because of one or more of the actual or perceived characteristics of the victim [PC §422.6(b)].
3. Terrorizing a person with a swastika or burning cross (PC §11411).
4. Vandalizing a place of worship (PC §594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC §249).

**Hate Incident** – A hate incident is any event or circumstance that is motivated by bias against any race, color, religion, ancestry, national origin, disability, gender, or sexual orientation which does not rise to the level of criminal activity.

338.3 TRAINING
All members of this Department will receive POST approved training on hate crime recognition and investigation as provided by PC §13519.6.
339.1 POLICY
The Department will follow the established procedures for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

339.2 DEFINITIONS
Penal Code § 423.2 provides that the following acts shall be considered ARRC when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

(a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.

(b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant.

(c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility.
340 POLICY
The Department will only administer the minimal amount of punitive discipline to any employee to ensure compliance for violations of any policy established by this Department. Discipline shall be based on the employees disciplinary history, severity of the violation, and any other factors, in accordance with this policy, the employees respective MOU, and established laws.

340.1.1 PURPOSE AND SCOPE
To provide employees with guidelines for their conduct in order that they may participate in meeting the goals of this Department in serving the community. This policy shall apply to all employees of this Department (including part-time and reserve employees).

Employees violating their oath and/or trust by committing an offense punishable under the laws or statutes of the United States, the State of California, or the ordinances of the City, or who violate any provision of the Policy Manual, or who are incompetent to perform their duties are subject to corrective or disciplinary action.

A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action. This policy is intended for internal use only and shall not be construed to increase or establish an employee’s civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care.

340.2 INVESTIGATION OF DISCIPLINARY ALLEGATIONS
Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual §1020. Pursuant to Government Code §§3304(d) and 3508.1, the investigation should be completed within one year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

340.2.1 WRITTEN REPRIMANDS
Any employee wishing to formally appeal a written reprimand must submit a written request to his/her Bureau Commander within ten days of receipt of the written reprimand.

Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the Bureau Commander within 30 days. The decision of the Bureau Commander to sustain, modify or dismiss the written reprimand shall be considered final.

340.3 CORRECTIVE AND DISCIPLINARY ACTIONS
The primary purpose of the corrective or disciplinary action is to invoke positive behavioral change.

Except as otherwise provided in this order, corrective or disciplinary actions are subject to the provisions of the FMC and the rules of the Civil Service Board (CSB). Nothing herein constitutes a waiver of rights of employees otherwise granted bylaw.

340.3.1 COUNSELING
Oral Counseling and Letters of Understanding/Counseling are appropriate when the problem is a lack of understanding of the policies, regulations, procedures, and requirements of the job rather than intentional disregard thereof.
340.3.2 ORAL REPRIMANDS
Oral reprimands are for minor offenses arising from the intentional or unintentional disregard for policies, regulations, procedures or requirements of the job.

340.3.3 NON-DISCIPLINARY EMERGENCY SUSPENSIONS FROM DUTY
Managers and supervisors have the authority to impose a non-disciplinary emergency suspension, until the next business day, against a subordinate employee when it appears the action is in the best interest of the Department.

340.4 SWORN PERSONNEL
For purposes of §§340.4.1-340.4.5 only, the terms "employee" and "employees" refer to recruits, officers, and sergeants represented by the FPOA.

340.4.1 DISCIPLINARY ACTIONS ALLOWED
Discipline is designed to modify unacceptable performance or behavior, and is used when corrective action has failed, or would be inappropriate for the issue at hand. Discipline may include any of the following:
(a). Letter of Reprimand;
(b). Fine (up to $100 in lieu of suspension);
(c). Suspension (up to 30 calendar days without pay);
(d). Demotion; and/or
(e). Termination.

340.4.2 CORRECTIVE ACTION
Corrective action is designed to inform an employee of unacceptable performance or behavior, and afford the employee a choice to modify the performance or behavior in the future or face progressive disciplinary action. Corrective action may include any of the following:

Oral counseling;
(a). Letter of counseling;
(b). Oral reprimand; and
(c). Documented oral reprimand.

Corrective action is to be used in lieu of disciplinary action, whenever appropriate. When, during the course of the corrective action, the Department concludes that disciplinary action is warranted, the corrective action process will end and any further contact with the employee will conform to the disciplinary action process.

The decision to document corrective actions in a letter of counseling or memorandum (documented oral reprimand), shall be generally based upon the fact that an issue has previously been addressed or is of a level of seriousness that should be recorded for future reference.

340.4.3 DOCUMENTED ORAL REPRIMANDS
Documented oral reprimands, like oral reprimands, are for minor offenses arising from the intentional or unintentional disregard of policies, regulations, procedures or requirements of the job.

340.4.4 SUPERVISORS OBSERVATION LOG
A supervisor’s observation log has been created to maintain a record of oral counseling, oral reprimands, and positive performances for potential inclusion in the employee’s performance evaluation.

340.4.5 AUTHORITY TO DISCIPLINE
Except for emergency suspensions, all Departmental discipline must be taken or approved as contained in this section.
(a). Letters of Reprimand, fines, and suspensions shall be proposed by a Division Commander or the Chief of Police.
(b). Dismissals or demotions shall be proposed by the Chief of Police.
(c). The Skelly process for fines and suspensions shall be conducted by the Professional Standards Division Commander.
(d). The Skelly process for dismissals and demotions shall be conducted by the Chief of Police.

340.5 NON-SWORN PERSONNEL
In §§340.5.1 through 340.5.4 the terms "employee" and "employees" refer to all personnel other than recruits, officers, and sergeants represented by the FPOA.

340.5.1 AUTHORITY TO DISCIPLINE
Final Departmental authority and responsibility rests with the Chief of Police or designee and in some cases is subject to the approval of the City Manager. Except for emergency suspensions and reprimands, all Departmental discipline must be taken or approved by the Chief of Police or designee.

340.5.2 DISCIPLINARY ACTIONS ALLOWED
Subject to the provisions of the FMC, the rules of the Civil Service Board and when necessary, with the approval of the City Manager, the following discipline may be assessed against employees by the Chief of Police or designee:
   (a). Oral Reprimand
   (b). Written Reprimand
   (c). Suspension (up to 30 calendar days without pay)
   (d). Fine (up to $100 in lieu of suspension)
   (e). Demotion
   (f). Termination

340.5.3 DOCUMENTING TRAINING AND COUNSELING
Written comments with regard to training or counseling given to an employee by a supervisor are not considered written reprimands, nor are they disciplinary actions. Such comments are merely written documentation that training or counseling has been given.

340.5.4 NOTIFICATION OF PENDING DISCIPLINARY ACTION
When an employee is to be terminated, demoted, or suspended, receives a fine, or a letter of reprimand, the employee should be notified at least seven calendar days prior to service of the order of discipline. The notification is for the purpose of allowing such employee an opportunity to respond orally or in writing to the Chief of Police, or designee.

340.6 EXEMPT EMPLOYEES UNDER FAIR LABOR STANDARDS ACT
Exempt employees may not be suspended for a period of less than one week, except for major safety violations. Fines are not a permissible form of discipline for exempt employees. Based on the salary resolution the following employees are exempt under the Fair Labor Standards Act:
   (a). Police Lieutenant;
   (b). Police Captain;
   (c). Deputy Police Chief;
   (d). Assistant Police Chief;
   (e). Crime Scene Bureau Manager;
   (f). Emergency Services Communications Supervisor;
   (g). Police Data Processing Supervisor;
   (h). Emergency Services Communications Manager;
   (i). Records Supervisor;
   (j). Data Base Administrator;
   (k). Executive Secretary;
   (l). Management Analyst;
   (m). Chief Police Pilot; and
   (n). Records Manager
340.7 STAFF REVIEW OF ADMINISTRATIVE INVESTIGATIONS
Upon completion of an administrative investigation, the file shall be simultaneously forwarded for review to the involved employee’s lieutenant, captain and division commander, via an electronic distribution process. After reviewing the file, the involved employee’s lieutenant and captain will meet to discuss the findings and any disciplinary recommendations. The captain will then meet with the division commander to make a joint recommendation as to the findings of the investigation and disciplinary recommendations. When there is no captain in the employee’s chain of command, the lieutenant will meet with the division commander to make the joint recommendation. No employee shall alter, cause to be altered, or withdraw any completed administrative investigation memorandum or attachments.

340.8 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE
In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

340.9 PROHIBITED DEPARTMENT ACTIONS
No employee shall be subjected to disciplinary action, or denied promotion, or be threatened with any such treatment because of the exercise of any rights provided in this Manual, or provided in the Government Code §3301, et seq.
341.1 POLICY
Members should be conscientious, prompt and attentive to their duties and shall perform those duties to the best of their abilities.

341.1.1 PURPOSE AND SCOPE
The continued employment of every member of this Department shall be based on conduct and cooperation that reasonably conforms to the guidelines set forth herein. Failure of any member to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

A member’s off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the member’s ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

Performance concerns should be handled on a timely basis and at the lowest, most informal level possible. Performance concerns or violations of rules may result in corrective or disciplinary actions.

341.1.2 INTEGRITY
Members of this Department are entrusted by the public to perform their duties with the highest degree of integrity. We are held to this high standard in both our professional and personal lives. This trust empowers us to complete our mission. When this trust is eroded we are no longer effective as police officers. Members shall demonstrate the highest degree of integrity at all times and avoid any act which bespeaks a lack of integrity or the mere appearance of a lack of integrity.

341.1.3 CODE OF ETHICS
All officers will abide by the Law Enforcement Code of Ethics as listed in this Manual. All civilian members will abide by the Civilian Member Code of Ethics as listed in this Manual. At a minimum, all members will receive ethics training biennially.

341.2 CONDUCT WHICH MAY RESULT IN DISCIPLINE
The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this Department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to the Department:

341.2.1 ATTENDANCE
(a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval;
(b) Unexcused or unauthorized absence on scheduled day(s) of work; or
(c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

341.2.2 CONDUCT
(a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another;
(b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action;
(c) Using Departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records;
(d) Engaging in potentially dangerous "horseplay" resulting in injury or property damage or the reasonable possibility thereof;
(e) Unauthorized possession of, loss of, or damage to Department property or the property of others or endangering it through unreasonable carelessness or maliciousness;
(f) Failure of any member to report activities on their own part or the part of any other member where such activities may result in criminal prosecution or discipline under this policy;
(g) Failure of any member to report activities that have resulted in official contact by any other law enforcement agency;
(h) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Chief of Police;
(i) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this Department;
(j) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity;
(k) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact; or
(l) 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 Fresno Police Department on any personal or social networking (e.g. MySpace.com, Facebook.com, etc.) or other website or web page, without the express written permission of the Chief of Police.

341.2.3 DISCRIMINATION, OPPRESSION OR FAVORITISM
Discriminating against, oppressing or providing favoritism to any person because of age, race, ethnicity, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition, immigration status, housing status, occupation, language fluency, or other classification 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.

341.2.4 INTOXICANTS
(a) Reporting for work or being at work following the use of intoxicants where such use may impair the member’s ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants;
(b) Unauthorized possession, use of, or attempt to bring intoxicants to the work site, except as authorized in the performance of an official assignment. A member who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance;
(c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the member’s ability to perform assigned duties; or
(d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site.

341.2.5 PERFORMANCE
(a) Failure to devote on-duty time to activities related to the performance of their assigned duties;
(b) Unauthorized sleeping, shopping, or reading of non-work related materials, during on-duty time or assignments;
(c) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned;
(d) Refusal, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse;
(e) Concealing or attempting to conceal defective work, removing or destroying it without permission;
(f) Disobedience or insubordination to constituted authorities or deliberate refusal to carry out any proper order from any supervisor or employee;
(g) 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;
(h) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof;
(i) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof;
(j) The falsification of records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Department record, book, paper or document;
(k) Wrongfully loaning, selling, giving away or appropriating any Department property for the personal use of the member or any unauthorized person(s);
(l) The unauthorized use of any badge, uniform, identification card or other Department equipment or property for personal gain or any other improper purpose;
(m) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member’s duties;
(n) Any knowing or negligent violation of the provisions of the Department Manual, operating procedures or other written directive of an authorized supervisor. Members shall familiarize themselves with and be responsible for compliance with each of the above and the Department shall make each available to the members;
(o) Work related dishonesty, including attempted or actual theft of Department property, services or the property of others;
(p) Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (on or off-duty);
(q) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form;
(r) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures;
(s) Substantiated, active, continuing association with or membership in "gang," "organized crime" and/or "criminal syndicates" with knowledge thereof, except as specifically directed and authorized by the Department;
(t) Offer or acceptance of a bribe or gratuity or extending/accepting preferential treatment;
(u) Misappropriation or misuse of public funds;
(v) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct;
(w) Unlawful gambling or unlawful betting on Department premises or at any work site;
(x) Substantiated, active, continuing association on a personal, rather than official, basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the member has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department;
(y) 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;
(z) Engaging in political activities during assigned working hours except as expressly authorized;
(aa) Violating any misdemeanor or felony statute;
(ab) Any other on-duty or off-duty conduct which any member knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members;
(ac) Any failure or refusal of an employee to properly perform the function and duties of an assigned position;
(ad) False or misleading statements to a supervisor;
(ae) Failure to provide proper referrals for needed services or assistance beyond the scope of police services;
(af) Failure to provide all proper Departmental identifying information upon request (i.e. name and badge number); or
(ag) Becoming "personally" involved in any call or investigation where a friend, relative, or neighbor is involved.

341.2.6 SAFETY
(a) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within Department facilities or to use required protective clothing or equipment;
(b) Knowingly failing to report any on-the-job or work related accident or injury within 24 hours;
(c) Substantiated member record of unsafe or improper driving habits or actions in the course of employment;
(d) Failure to maintain good physical condition sufficient to adequately perform law enforcement duties;
(e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment; or
(f) Subjecting themselves to unnecessary risks or courses of action when a safer alternative is reasonably available.

341.2.7 SECURITY
Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.

341.3 SUPERVISOR RESPONSIBILITY
(a) Failure of a supervisor to take appropriate action to ensure that members adhere to the policies and procedures of this Department and the actions of all members comply with all laws;
(b) Failure of a supervisor to timely report known misconduct of a member to his or her immediate supervisor or to document such misconduct appropriately or as required by policy; or
(c) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

341.4 DISCRETION
Many incidents that members handle do not involve law violations and are not covered by any written policy, regulation or procedure. Members shall have full discretion in the handling of these types of incidents, within the confines of law, ethics, professionalism, and propriety. Members shall be held accountable for using good judgment and taking reasonable and proper actions in handling these types of situations.

341.5 SUPERIOR-SUBORDINATE RELATIONSHIPS
Authority shall be exercised in a firm but fair manner. Superior members shall support subordinates in their actions when they can reasonably do so and shall avoid censuring subordinates in the presence of others. Superior members are strictly forbidden from censuring or discrediting those under their command in a tyrannical or abusive manner. When on duty and in the presence of the public, superiors and subordinates shall refer to one another by their rank or title.
342.1 POLICY
Members will adhere to the protocols established by the Information Services Bureau to maintain the integrity, usability, and general functions of Departmental computers, software and systems at all times.

342.1.1 PURPOSE AND SCOPE
This policy describes the use of Department computers, software, and systems.

342.2 DEFINITIONS
The following definitions relate to terms used within this policy:

Computer System – Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the Fresno Police Department, which are provided for official use by agency members.

Hardware – Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Peripheral – Shall mean a device connected to a computer, but not part of it, and is more or less dependent on the computer (e.g. USB drive, cell phone, external hard drive, etc.).

Software – Shall include, but is not limited to, all computer programs and applications including "shareware." This does not include files created by the individual user.

Temporary File or Permanent File or File – Shall mean 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 or messages.

342.3 SYSTEM INSPECTION OR REVIEW
A member's supervisor has the authority to monitor, inspect, or review the system, any and all files and related electronic systems or devices, and any contents thereof.

Monitoring as prescribed may include physical inspection of the computer, remote monitoring of the computer, and/or use of any other means available.

342.4 DEPARTMENT PROPERTY
All information, data, documents and other entries initiated on any of the Department's computers, whether downloaded or transferred from the original Department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-Departmental use without the expressed authorization of a member's supervisor.

342.5 UNAUTHORIZED DUPLICATION OF SOFTWARE
Members shall not copy or duplicate any copyrighted and/or licensed software except for a single copy for backup purposes.

No member shall knowingly make, acquire, or use unauthorized copies of computer software not licensed to the Department while on Department premises or on a Department computer system.
342.6 INTERNET USE
Incidental personal use of the Department computer system is acceptable unless it interferes with daily work and violates any stipulations within this Policy. Members shall not access or download content that is illegal or inappropriate for the workplace. Software programs must be approved by Department Information Technology personnel prior to being downloaded.

Nothing in this order shall prohibit any member, in official capacity, from acquiring information from the Internet during the course and scope of an investigation or while conducting Department related research.

342.7 PROTECTION OF AGENCY SYSTEMS AND FILES
All members have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

342.7.1 PASSWORDS
Network, Data911, LexisNexis, or other log-on passwords issued by the Department shall not be disclosed or shared with anyone. Members who acquire the network, Data911, LexisNexis, or other log-on password of another are prohibited from using or sharing that password and shall promptly inform the authorized holder of the password so that it may be changed. A supervisor must approve any situation which requires the sharing of a password and/or network files and shall notify the Network System Specialist or Information Services Manager that the password has been shared.

342.7.2 USE OF OTHERS’ COMPUTERS
Computers that are assigned to individual members are only for the use of the person assigned. In the case of shared computers, only members with authorization of the unit supervisor may access, utilize, or modify the shared computer.

342.7.3 ACCESS SECURITY
In order to minimize access by unauthorized persons, members shall close all applications and log-off from their assigned computer at the end of their duty shift or when they are going to be away from their computer for extended periods of time. Additionally, members shall not leave confidential documents on their computer screens which could be read by unauthorized persons. Computers should be secured by locking the screen to prevent unauthorized access.

It is prohibited for a member to allow an unauthorized user to access the system at any time or for any reason.

342.7.4 NON-DEPARTMENT EXTERNAL DEVICES
Members shall not plug-in, install, or attach any confiscated hardware, software, or peripheral to a Department computer that is connected to the network for the purpose of inspecting the items contents. Any items in need of forensic examination shall be processed in accordance to the protocols established in Procedure 804 – Property and Evidence.

Members shall not plug-in, install, or attach any personally owned hardware, software, or peripheral to a Department computer that is connected to the network, including to charge the device.

342.8 MODIFICATION OF COMPUTER SETTINGS
Modifications to computer settings, in general, are to be made only by members who are properly trained to do so.

342.9 REGULATORY EXCEPTION
The Network System Specialist, Information Services Bureau Manager and their designees shall be exempt from the regulations of this order as is necessary to conduct duty related business.
342.9.1 NOTICE OF EMPLOYEE SEPARATION AND USER ACCOUNTS
Upon exit from the City of Fresno employment or volunteer services, assigned supervisors should forward that individual’s name to the Information Services Bureau Manager.
Electronic Tracking Device

343.1 POLICY
All aspects of Electronic Tracking Device are to be considered confidential. Knowledge of the purpose and operations of Electronic Tracking Device is on a need-to-know basis only.
344.1 POLICY
A Crime Report shall be prepared whenever any reported crime has been committed or is logically suspected of having been committed in the City. 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. Members shall not repress, conceal or distort the facts of any reported incident, nor shall any member make a false report orally or in writing.

344.1.1 PURPOSE AND SCOPE
The purpose of reports is to document sufficient information to refresh the member'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.

344.1.2 INCIDENT/CASE NUMBERING
The Department employs a single, unique, incident and case numbering system. Each incident that is created receives a Computer Aided Dispatch (CAD) incident number beginning with the year, two letters (starting with AA), and then four digits. Example: 10AB2243. Each incident that is a crime report or non-criminal report is assigned a CAD incident number. Both incident and case numbers reset on January 1 at 00:00:01.

344.2 REPORT COMPLETION
The reporting member shall list his/her full name and badge number as well as provide the full name and badge number of all assisting members on all reports.

344.2.1 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES
A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Bureau shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code §23685).

344.3 TELEPHONIC REPORTING
When the priority of the call (i.e. 7, 8, "T") or the type of call indicates it may be handled telephonically, a member's physical presence is not required.

344.4 SYNOPTICAL REPORT
A crime report is required in any criminal investigation where there is an identifiable suspect or where there is physical evidence which could lead to the identification of a suspect.

The Synoptical Report may be used by members to document pertinent information by assigning a case number to an event in lieu of completing a full police report.

Copies of the Synoptical report printouts may be obtained from the Records Bureau.
Fires / Arson

345.1 POLICY
Department members will assist the Fresno Fire Department (FFD) and members of the public as necessary on any fire related calls to ensure public safety and maintain order.

345.1.1 PURPOSE AND SCOPE
Although the primary function of the Department is not one of fire control it is often called upon as a "first responder" and will often arrive before the FFD personnel or discover fires before they are reported. As such, members must act to provide for the safety of the public, limit property damage when able, and assist the FFD as needed.

345.2 SPECTATORS
Officers shall keep spectators who may become a source of interference, from approaching a fire. The distance at which spectators should be kept will depend on the seriousness of the fire, the probability of an explosion, and/or exposure to hazardous materials. Media access to the scene is governed by Policy Manual § 346.
346.1 POLICY
Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative, or if unavailable, to the first available supervisor.

346.1.1 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, however, 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, Shift Sergeants and designated Public Information Officer(s) (PIO) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST
Prior to releasing any information to the media, members shall consider the following:

(a) At no time shall any member of the Department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department PIO;

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Department;

(c) Under no circumstance should any member of the Department make any comment(s) to the media regarding any law enforcement incident not involving this Department without prior approval of the Chief of Police.

346.3 MEDIA ACCESS
Authorized and bona fide members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions [Penal Code §409.5(d)]:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public;

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations. In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to a command post at the nearest location that will not interfere with such activities (e.g., Text message the location to the media);

(c) No member of the Department shall be subjected to media visits or interviews without the consent of the involved member [Government Code §3303(e)]; and

(d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the expressed consent of the person in custody.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE
The Department will provide information to members of the media on a daily basis through the following methods:

- Social Media Updates - The Department social media site will be updated with items of significant interest to the media on a daily basis (See Policy Manual §1058);
• **Text Messaging** – Text Messages shall be sent to members of the media as soon as possible after newsworthy events to allow the opportunity for on-the-scene coverage;

• **Crime Data** – Crime data is available for download via the City of Fresno web site; and

• **M.A.R.S.** – CAD calls are made available to members of the media through the MARS web site. This data is delayed 5 minutes for officer safety. Access to the information requires a user ID and password which are provided to members of the media by the PIO by request.

Information relating to crimes will be provided to the media. This information will be restricted to:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation;

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this Department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation;

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law; and

(d) General facts of the case. This can be released at the discretion of the PIO and the investigator overseeing the case.

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval from the Chief of Police, Department Legal Advisor, or a court order.

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code §6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner’s Office unless prior approval has been obtained from the Chief of Police.

Any requests for copies of related reports or additional information shall be referred to the Department Legal Advisor. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code §6250, et seq.)

346.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized member dealing with media requests to ensure that restricted information is not inappropriately released to the media by this Department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

(a) Confidential peace officer personnel information (See Policy Manual §1026)
   1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act;

(b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code §20012);
(c) Criminal history information;
(d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation;
(e) Information pertaining to pending litigation involving this Department;
(f) Information obtained in confidence; and/or
(g) Any information that is otherwise privileged or restricted under state or federal law. [Government Code § 6254(k)].
347.1 POLICY
Members shall thoroughly investigate all reported sexual assault cases. All sexual assault
investigations shall be properly documented in a police report.

PURPOSE AND SCOPE

The purpose of this policy to provide guidance to members investigating sexual assaults. Due to the
sensitive nature of investigations dealing with sexual assaults, members shall demonstrate the utmost
tact and consideration for the feelings of victims and their families during the investigation.

347.2 SEXUAL ASSAULT INVESTIGATIONS
In cases where a victim refuses to cooperate and expresses no desire for police involvement, members
shall attempt to obtain as much information as possible. Members shall complete a report regardless of
the intent of the victim.

Members shall provide all sexual assault victims with the Victim’s Information Form (Penal Code
§§264.2(a) and 13701), and a copy of the Sexual Assault Investigative Letter.
Court Appearance & Subpoenas

348.1.1 PURPOSE AND SCOPE
This policy has been established to provide for the acceptance of subpoenas and to ensure that members appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.
Supervisory Responsibilities

349.1 POLICY
Supervisors shall be responsible for the proper completion of all work assigned to personnel under their command.

349.1.1 PURPOSE AND SCOPE
Supervisors shall be generally responsible for all of the activities of the personnel under their command. This shall apply whether or not the supervisor has exercised direct control over those activities.

349.2 GENERAL RESPONSIBILITIES
Supervisors shall be responsible for their own activities and for the proper completion of all work assigned to them, whether they do the work themselves or delegate it to subordinates.

Supervisors shall be responsible for ensuring the proper development of their assigned personnel through training, evaluation, counseling, guidance, commendation, discipline or other available means.

Supervisors are responsible for ensuring their superiors are continually appraised of all matters that affect personnel under the supervisor’s command that may require Departmental action, impact the superior in the performance of his/her duties, or that may be of interest to other members of the Department or the public.

Supervisors are responsible for ensuring that officers assigned to them perform all their duties efficiently and expeditiously.
350.1 POLICY
The Fresno Police Department shall recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by the Department.

350.1.1 PURPOSE AND SCOPE
The Fresno Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment patrol officers and special events.

350.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS
The authority to appoint qualified persons to the position of reserve police officer is vested in the Chief of Police or his/her designee. All reserves shall be sworn in by the City Clerk and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

Reserve officers assist the Department in the enforcement of laws and in maintaining peace and order within the community.

350.3 DEFINITIONS
"General law enforcement duties" refers to duties which include the investigation of crime, patrol of a geographic area, responding to the full range of requests for police services, and performing any enforcement action on the full range of law violations.

"Immediate supervision for Level II reserves" means the reserve officer acts under the direction of a peace officer who has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training (P.O.S.T.), and is routinely in the physical proximity of and available to the reserve officer. However, allowance is permitted for necessary temporary separations.

"Working alone" refers to a qualified Level I reserve officer who works without immediate supervision and makes independent decisions. Two qualified Level I reserves, or a qualified Level I reserve and a regular officer, are not precluded from working together.

350.3.1 RESERVE OFFICER LEVELS
Level I – Refers to a sworn reserve officer trained as described in Penal Code §830.6(a)(1) who has successfully completed all P.O.S.T. requirements for the designation of Level I, and successfully completed all Department requirements for the designation of Level I, to include the Police Training Officer Program. Level I reserve officers may be assigned specific functions or to the prevention and detection of crime and general law enforcement duties. Once completed, this level of reserve may be assigned to work alone or supervise Level III reserve officers in lieu of a regular full-time peace officer.

Level II – Refers to a sworn reserve officer trained as described in Penal Code §832.6(a)(2), who have successfully completed all P.O.S.T. requirements for the designation of Level II, and successfully completed all Department requirements for the designation of Level II, to include the Police Training Officer Program. Level II reserve officers may be assigned to:

1. The prevention and detection of crime and general law enforcement duties, working under the immediate supervision of a peace officer possessing a basic POST certificate; or
2. Limited support duties such as traffic control, evidence transportation, and duties not likely to result in a physical arrest without immediate supervision.
Level III – Refers to a sworn reserve officer trained as described in Penal Code §832.6(a)(3), who have successfully completed all P.O.S.T. requirements for the designation of Level III, and successfully completed all Department requirements for the designation of Level III, to include the Police Training Officer Program. Level III reserve officers shall be supervised in the accessible vicinity by a Level I reserve officer or a full-time regular peace officer employed by a law enforcement agency authorized to have reserves and deployed in limited support duties not requiring general law enforcement powers in their routine performance. Those limited support duties shall include traffic control, security at parades and sporting events, report taking, evidence transportation, parking enforcement, and other duties that are not likely to result in physical arrests. Level III reserve officers may transport prisoners without immediate supervision.

350.5 POLICY COMPLIANCE
Reserve police officers shall be required to adhere to all Departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies. Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

350.6 UNIFORM
Reserve officers shall conform to all uniform regulations and appearance standards of the Department, as listed in the Uniform Specifications Manual.

350.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL
A commander must approve any emergency call out for reserve officers by calling the Duty Office.

350.8 OFF-DUTY WEAPONS AUTHORIZATION
It is the policy of the Fresno Police Department to comply with HR 218, the Law Enforcement Officers Safety Act (LEOSA) Codified as 18 U.S. Code §926B and §926C. The Act permits the nationwide carrying of a concealed handgun by a Reserve Police Officer, and amends the Gun Control Act of 1968 to exempt qualified Reserve Police Officers from state and local laws prohibiting the carrying of a concealed firearm.

To qualify for a weapons authorization card, a reserve officer must meet the following conditions:

- Be in good standing with the Reserve Unit and off probation, as described in Section II – General Regulations, paragraph E of the Reserve Unit Operations Manual
- All firearms must be within Department guidelines (refer to Procedure §312 - Firearms, section A – Approved Handguns & Ammunition)
- The issuance of a department weapons card does not grant off-duty peace officer authority to reserve officers.
- Police officer reserves are reminded that their private employer or any other private business may have a policy that prevents them to carry their off-duty firearm onto their premises and this policy shall be honored with no exceptions.
- Police officer reserves are forbidden to wear their reserve badge and or any other department identification next to their weapon while off-duty.
351.1 POLICY
The Department, and each of its members, is committed to juvenile justice programs and procedures which build relationships, prevent crime, and control juvenile delinquency. In all circumstances, interaction between Department members and juveniles shall work to accomplish these goals and objectives.

351.1.1 PURPOSE AND SCOPE
Members who deal with juvenile offenders shall use the least coercive among reasonable alternatives available (reprimand & release, citation, arrest) that are appropriate under the circumstances.

351.2 PROGRAMS
Certain units within or associated with the Department are actively involved in the prevention and controlling of juvenile delinquency. Officers wishing to refer juveniles to the following programs shall contact the appropriate resource listed below:

(a) Police Activities League – The primary function of the Police Activities League is to promote positive interaction between volunteers, off-duty law enforcement personnel, and youth through social, recreational and educational activities in order to encourage good values, acceptable behavior, and responsible citizenship.

(b) School Resource Officer – School Resource Officers (SRO) are assigned to school campuses in the city and they work toward improving the quality of life. SRO’s provide guidance on ethical issues; individual counseling and/or mentoring to students; and prevent criminal activity through high visibility patrol.

(c) Youth Liaison Officer – The Youth Liaison Officer (YLO) creates a healthy exchange of dialogue between the youth and law enforcement that will deepen trust, develop improved understanding, and foster a positive relationship. The YLO also assists with referring at-risk youth between the ages of 14 to 18 to an appropriate service provider depending on their need.

(d) School Resource Chaplains - School Resource Chaplains (SRC’s) are on campus to help identify and reduce crimes against children, provide a support element to families and staff, along with integrating socially acceptable life choices and behavior through an integration of “Resistance and Resilience Curriculum.” SRC’s spend their volunteer time in the classrooms teaching an evidence based curriculum which focuses on seven essential characteristics that are known to help deal with: stress and adversity; overcoming childhood disadvantage; a sense of hopelessness leading to stress disorders; alcohol and drug abuse; and gang association.

At least annually, the above programs shall be reviewed by the responsible bureau, section, or unit commander, to justify their continuance.
Outside Agency Assistance

352.1 POLICY
It is the policy of this Department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this Department, when another law enforcement agency requests assistance with an arrest or detention of any person. This Department may also request an outside agency to provide assistance.

352.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

352.1.2 COOPERATION WITH OTHER AGENCIES
In order to serve the public, the criminal justice system relies upon the cooperation of the police with other law enforcement agencies, prosecutors, courts and correctional officers to ensure the development of a safer community. Where possible members shall fully cooperate with outside criminal justice entities to allow for the greatest level of safety for the community and to strive towards successful prosecution of persons involved in criminal activity.

To facilitate this cooperation, the Department will establish a close working relationship with professional organizations directly involved with the planning of the judicial system’s response to crime in the community. Programs such as the Prostitution Abatement Program, LifeSkills program, Crisis intervention Training, and involvement in CARE Fresno are examples of public and private collaborations with the Department that address social issues as they relate to law enforcement responses and needs within the community.
LOJACK

353.1 POLICY
All aspects of LoJack are to be considered confidential. Operational knowledge of the LoJack Police Tracking Computer (PTC•3) is on a need-to-know basis.
354.1 POLICY
It shall be the policy of the Fresno Police Department to establish alternative methods for handling petty theft (shoplifting) incidents at businesses.

354.1.1 PURPOSE AND SCOPE
The purpose of this order is to outline procedures for the Shoplifter Release Program.

354.2 GENERAL
1. The Shoplifter Release Program will reduce the amount of time the Fresno Police Department spends on misdemeanor shoplifting detentions when the need for an officer to intervene is not necessary.
2. Businesses that employ security personnel working in a loss prevention capacity [Loss Prevention Officer (LPO)] are eligible to participate in the program.
3. The Fresno Police Department will conduct training with the participating business to assure successful application of this program.
4. Officers shall not be dispatched when a business declines prosecution.

354.3 SHOPLIFTER RELEASE CRITERIA
When the LPO has identified the suspect, the LPO will contact ComCen to determine if the suspect is field releasable. The following conditions must be met:
  1. He/She can be identified by i.e. identification card, name and date of birth, identifiers, etc.;
  2. He/She is not a danger to self or others;
  3. He/She has no active warrant for arrest; and
  4. No felony crime has been committed; and, if applicable;
  5. Parent/Guardian will respond to the business to take custody of the juvenile.

354.4 REPORTING CRITERIA
Members shall prepare a crime report on petty thefts from businesses only when:
  • A suspect is in custody, and
    o The suspect does not meet the Shoplifter Release Program release criteria.

All other petty thefts shall be handled in accordance with Procedure §307 - Petty Thefts.
Custody of Adults

355.1 POLICY
Officers and Cadets shall exercise sufficient control over arrestees in their custody so as to minimize the potential for escape, injury, property damage, and/or evidence destruction.

355.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide general guidelines for dealing with adults that have been placed in custody.

355.2 MIRANDA WARNINGS
While on duty, and when testifying in court, officers shall have in their possession the Department issued Miranda Warning card.

The "Warning" and "Waiver" are generally required prior to any questioning in which the arrested person in custody may incriminate himself/herself about the offense for which the person is in custody or before questioning about any offense in which prosecution may be pending against the person being questioned.

355.3.1 ARRESTEE REFUSES TREATMENT
When an arrestee refuses medical treatment, the officer/Cadet shall obtain a completed AMA form (leaving Against Medical Advice) from the attending physician. The form acknowledges that the arrestee has had the opportunity for medical care and elected to refuse treatment.

The arrestee shall then be booked consistent with existing procedures.

355.4 DETENTION RELEASES PENAL CODE 849 (B)
Officers may release from custody any person arrested without a warrant when:

(a) He/she is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested;

(b) The person arrested was arrested for intoxication only, and no further proceedings are desirable; or

(c) The person was arrested only for being under the influence of a controlled substance or drug and the person is delivered to a facility or hospital for treatment and no further proceedings are desirable.
Megan’s Law

356.1 POLICY
Members authorized and responsible will facilitate public access to information allowed by legislation on serious and high-risk sex offenders commonly referred to as “Megan’s Law”.

356.1.1 PURPOSE AND SCOPE
The purpose of this policy is to establish a procedure for the dissemination of information regarding certain registered sex offenders under California’s Megan’s Law. (Penal Code §§ 290 and 290.4).

356.2 DEPARTMENTAL DISSEMINATION OF INFORMATION
Whenever this Department determines that it is necessary to provide information to the public regarding a person required to register as a sex offender pursuant to Penal Code § 290 in order to ensure the public safety, such information may only be released by means determined by the Chief of Police to be appropriate (Penal Code § 290.45(a)(1)).

Officers shall obtain approval from a supervisor prior to the public release of any information regarding a registered sex offender. Under exigent circumstances, an officer may release the information without prior supervisory approval, however, a supervisor shall be notified of the information release as soon thereafter as is practical.

Included with all public disclosures of information about any registered sex offender will be a statement that the purpose of the release is to allow members of the public to protect themselves and their children from sex offenders (Penal Code § 290.45(a)(2)).

356.2.1 LIMITATIONS ON EXTENDED RELEASE
Individuals and entities receiving information regarding registered sex offenders may only be authorized to disclose such information to additional persons if the Department determines the appropriate scope and that such disclosure will enhance the public safety. The Department may not authorize any disclosure of such information by its placement on a non-departmental Internet Web site (Penal Code § 290.45(c)(1)).

356.3 RELEASE OF INFORMATION VIA THE INTERNET
Information about a specific offender may be publicly disclosed by way of the Department Internet Web site only when the Department determines that such disclosure is necessary to ensure the public safety (Penal Code § 290.46(g)).

356.3.1 INFORMATION PROHIBITED FROM INTERNET RELEASE
The following information shall not be released over the department Internet Web site (Penal Code § 290.46(a):

• Any information identifying the victim.
• The name and address of the offender’s employer.
• All criminal history of the offender, other than the specific crimes for which the person is required to register.
**Megan’s Law**

### 356.3.2 INFORMATION PERMITTED FOR INTERNET RELEASE

For those offenders listed in Penal Code § 290.46(c)(2) and (d)(2), the following information may be included on the Department Internet Web site:

(a) The offender’s full name;
(b) The offender’s known aliases;
(c) The offender’s gender;
(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 community of residence and ZIP Code in which the registrant resides or the county in which the person is registered as a transient; and
(j) Any other information which the Department deems relevant, such as:
   1. Description of the offender’s vehicle(s) or vehicle(s) the offender is known to drive (only if the offender is currently wanted for a criminal offense);
   2. Type of victim targeted by the offender;
   3. Relevant parole or probation conditions, such as prohibiting contact with children;
   4. Dates of crimes resulting in current classification;
   5. Dates of release from confinement; and
   6. The offender’s enrollment, employment, or vocational status with any university, college, community college, or other institution of higher learning.

For those offenders listed in Penal Code § 290.46(b)(2), the address at which the offender resides may also be included on the Department Internet Web site in addition to the above.

Before releasing the address of any offender, the officer shall verify that the information is correct.

### 356.3.3 RECORD OF DISCLOSURE

The release of such information shall be noted by entering the notification into the comment field on the offender’s Supervised Release File record.

### 356.3.4 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

In addition to the authority provided elsewhere within this policy, any campus police department or local agency having jurisdiction over any university, college, community college or other institution of higher learning may release the following information within the campus community regarding other registered sex offenders:

(a) The offender’s full name;
(b) The offender’s known aliases;
(c) The offender’s gender;
(d) The offender’s race;
(e) The offender’s physical description;
Megan’s Law

(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; and
(i) The date of last registration.

The release of any information pursuant to this section shall be strictly limited to that which is intended to reach persons only within the campus community. 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)(1).

356.4 PUBLIC INQUIRIES
As a general rule information may not be given over the telephone. Members of the public may access detailed sexual offender information by way of their personal computer through the Internet at the Megan’s Law Web site maintained by the Department of Justice (www.meganslaw.ca.gov). They may also submit a list of at least six persons directly to the Department of Justice on a designated form to inquire whether any of those persons are required to register as a sex offender and are subject to public notification (Department of Justice fees may apply) (Penal Code § 290.4(a)).
357.1 POLICY
When responding to calls involving civil matters, an officer’s duty extends only to preserving the peace and taking enforcement action, as appropriate, for any criminal violations observed by the officer.

357.1.1 PURPOSE AND SCOPE
Civil problems, although not usually criminal in nature, can involve varying emotional responses for the parties involved as they seek police assistance in trying to resolve their disagreements. The purpose of this policy is to provide general guidance for the officer’s response to these incidents.

357.2 CIVIL PROBLEMS
Officers may be dispatched to assist citizens with civil problems including but not limited to:
- Child custody / visitation exchanges;
- Repossessions;
- Court order enforcement;
- Removal of tenants / trespassers; and
- Civil standby’s to preserve the peace.

357.2.1 CHILD CUSTODY EXCHANGES/OFFICER ASSISTANCE
Requests for police response to perform a civil standby during a child custody/visitation exchange will be limited to the following guidelines:
- The officer’s response is to preserve the peace;
- When the involved parties have a custody order issued in California, only the most recent order may be enforced;
- Each involved party will be provided with a referral list of Supervised Child Visitation and Supervised Exchange Agencies.

Any future custody or visitation exchanges should be conducted at a supervising exchange agency unless modified by court order or the parties mutually agree in writing to other provisions.

357.2.2 CHILD CUSTODY COMPLAINTS
HQ shall maintain copies of the Custody Order Violation Self Reporting Forms. Public Counter Records Clerks shall provide the report forms to citizens requesting a custody order violation report. Completed report forms shall be taken to HQ where a case number will be issued, placed on the report form and provided to the R/P.
Major Incident Notification

358.1 POLICY
Staff members are to be informed of certain incidents, in order to apprise their superiors and properly address inquiries from members of the media or public.

358.1.1 PURPOSE AND SCOPE
Incidents that are of a significant nature and that fall into the below listed criteria require notification of certain members of this Department.

358.2 MINIMUM CRITERIA FOR NOTIFICATION
The following list of incidents is provided as a guide for notification and is not intended to be all-inclusive:

- Homicide(s) or suspicious death(s);
- Fatal traffic collision(s);
- Officer-involved shooting, while on or off-duty (See Policy Manual § 310 for special notifications);
- Any member seriously injured or killed, while on or off duty;
- Death or serious injury of a City of Fresno official;
- Arrest of any Department member or City of Fresno official;
- Aircraft crash with major damage and/or injury or death;
- Any "in-custody" death(s);
- Major mutual aid request;
- A riot, major disturbance, or public catastrophe occurring in the City of Fresno;
- Bomb or credible bomb threat; and
- Any situation or incident where the media show a strong interest.
360.1 POLICY
Members will ensure that all sick or injured persons encountered are given emergency medical care required and all deaths are thoroughly investigated.

360.1.1 PURPOSE AND SCOPE
The investigation of cases involving death includes 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. One of an officer’s primary responsibilities is to ensure the health and welfare of community members that need public safety services. Members shall also ensure adequate resources such as EMS and Fire respond as needed.

360.2 SICK AND INJURED PERSONS

360.2.1 FIRST AID REQUESTING ADDITIONAL RESOURCES
When members encounter sick or injured persons, they shall render appropriate first aid, consistent with their training, to whatever extent is necessary.

Members shall also request EMS/Fire resources as needed to appropriately handle the event.

360.2.2 INDUSTRIAL ACCIDENTS
The Fresno Fire Department is the agency responsible for notifying Cal OSHA when called to an industrial accident involving a serious injury, illness, or death as outlined in the California Code of Regulations Title 8, §342.

Members dispatched to such industrial accidents shall notify their supervisor and complete a casualty report containing all pertinent information on the incident.

360.3 TERMINALLY-ILL PERSONS
The End of Life Option Act went into effect June 9, 2016, which authorizes an adult who meets certain qualifications and who has been determined by his or her attending physician to be suffering from a terminal disease, to make a request for a drug prescribed for the purpose of alleviating suffering and ending his or her life. The Act also provides certain immunity from civil or criminal liability for physicians, medical providers, and for persons present when the patient self-administers the drug, or if a person assists the patient by preparing the aid-in-dying drug, so long as the person did not assist with the ingestion of the drug. The intent of the law is to allow people to help a terminally ill person as long as the terminally ill patient takes an affirmative, conscious, and physical act to ingest the medication into their body. The Act does not authorize ending a patient's life by lethal injection, mercy killing, or active euthanasia. Action taken in accordance with the Act does not constitute suicide or homicide.

Members dispatched to an in-progress or just occurred ingestion of aid-in-dying medication call shall notify their supervisor and complete a casualty report containing pertinent information.
361.1 POLICY
It is the policy of the Fresno Police Department for designated sworn and non-sworn members to be trained in the safe use and administration of opioid overdose medication in order to safely and effectively treat and reduce injuries and fatalities due to opioid-induced overdose.

361.1.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines and procedures governing the use of naloxone hydrochloride, or Narcan.

361.2 DEFINITIONS
Emergency Opioid Antagonist: A drug that nullifies in whole or in part the administration of an opioid. The opioid antagonist for the purpose of this policy is limited to naloxone hydrochloride.

Naloxone Hydrochloride: A prescription medication used as an emergency opioid antagonist/antidote that blocks the effects of opioids administered from outside the body and is approved by the U.S. Food and Drug Administration.

Naloxone Nasal Spray: The device issued to trained personnel to administer the prefilled dose of naloxone hydrochloride opioid antagonist via the intranasal mucosal atomization device (nasal spray) in accordance with medical and training protocols.

Opioid: Containing or derived from opium. Opioids are medications that relieve pain. They reduce the intensity of pain signals reaching the brain and affect those brain areas controlling emotion. Medications that fall within this class include hydrocodone (e.g. vicodin), oxycodone (e.g. OxyContin, Percocet) morphine, codeine, heroine, and related drugs.

Opioid Overdose: An acute condition due to excessive opioids in the body, manifested by respiratory and/or central nervous system depression.

361.3 NALOXONE ADMINISTRATION
Members may administer opioid overdose medication in accordance with protocol specified by the licensed health care provider who prescribed the overdose medication for use by the member and (Civil Code § 1714.22; 22 CCR 100019):
- When trained and tested to demonstrate competence following initial instruction; and
- When authorized by the medical director of the LEMSA.

361.4 TRAINING
Members shall receive naloxone hydrochloride training prior to the issuance or administration of naloxone. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100019 and Civil Code § 1714.22.
Identity Theft

362.1 POLICY
All incidents of identity theft will be investigated and thoroughly documented when reported to this Department, regardless of the jurisdiction where the crime is being committed. Members will cooperate with other law enforcement agencies in the investigation of identity theft crimes.

362.1.1 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.
Private Persons Arrests

364.1 POLICY
The Department will assist with all private person arrests that are made lawfully pursuant to Penal Code § 837. 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).

364.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance for the handling of private person arrests made pursuant to Penal Code § 837; however the provisions of Penal Code § 837 do not apply to juveniles pursuant to Welfare and Institutions Code § 625. (Refer to Policy Manual § 324).

364.2 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; and/or
(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.

364.3 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.
368.1 POLICY
The Department will take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, Section 601, 42 U.S.C. 2000d). Department members will inform members of the public that language assistance services are available free of charge to limited English proficiency (LEP) persons whom they encounter.

368.1.1 PURPOSE AND SCOPE
Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency from gaining meaningful access to, or an understanding of important rights, obligations and services. The purpose of this Policy is to establish effective guidelines consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968, for Department personnel to follow when providing services to, or interacting with, LEP individuals.

368.1.2 DEFINITIONS
Bilingual - The ability to use two languages proficiently.

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) - Those individuals whose primary language is not English. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient. LEP 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 skills to function in one setting, but these skills may be insufficient in other situations.

Primary Language - An individual's native tongue or the language in which an individual most effectively communicates.

Translation - The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

368.1.3 LEP PROGRAM RESPONSIBILITIES
The Department’s LEP Program will be coordinated through the Commander of the Audit & Inspections Unit. The Commander will be responsible for the following:
(a) Receiving and reviewing LEP services complaints; and
(b) Conducting audits relative to Department LEP Programs, including an annual review of demographic data, Language Line usage data, and Department reports documenting encounters with LEP individuals to ensure that the Department is providing meaningful access to LEP persons in all Department-conducted programs or activities.

368.2 FOUR FACTOR ANALYSIS
Since there are potentially hundreds of languages officers could encounter, this Department will analyze four factors in determining those measures which will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably therefore this analysis must remain flexible and requires an ongoing balance of the following four factors:
(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by officers or who may benefit from programs or services within the Department’s jurisdiction or a particular geographic area;
(b) The frequency with which LEP individuals are likely to come in contact with officers, programs or services;
(c) The nature and importance of the contact, program, information or service provided; and
(d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department or officers.

368.2.1 QUALIFYING INDIVIDUALS
While 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, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

368.3 TYPES OF LEP ASSISTANCE AVAILABLE
LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. If a LEP individual chooses to provide his/her own interpreter, and precise, complete, and accurate interpretations are critical for law enforcement or legal reasons, or when the competency of the LEP individual's interpreter is not established, the Department may decide to provide its own, independent interpreter as well.

Officers should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source.

When the Department provides the LEP services, members shall first utilize certified interpreters and translators from the City of Fresno bilingual certification program.

When a certified interpreter is not available and the LEP service does not involve a felony violation of law, Department provided interpreter services may include, but are not limited to:

368.3.1 OTHER BILINGUAL STAFF
Members that are bilingual but are not certified as interpreters should be able to accurately listen to communication in one language and orally convert it to another language. When bilingual members of this Department are not available, employees from other departments within the area may be requested by a supervisor depending on the circumstances.

368.3.2 WRITTEN FORMS AND GUIDELINES
The Department will endeavor to provide frequently used and critical forms and guidelines in languages most commonly represented within the community or a particular area. When appropriate, these forms will be conspicuously posted at the public counters and otherwise available upon request. For example, the Department's Personnel Complaint form and information about various Department programs and services should be made readily available to LEP individuals.

368.3.3 AUDIO RECORDINGS
From time to time, the Department may develop audio recordings of important information needed by LEP individuals. For example, officers may be provided with a canine warning or crowd dispersal order for broadcast in a language most likely to be understood by involved LEP individuals.

368.3.4 TELEPHONE INTERPRETER SERVICES
Through Voiance, the Department provides 24-hour telephone access to interpreters who speak more than 140 languages.

368.3.5 COMMUNITY VOLUNTEERS
Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services. Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to such sources
developed by individual officers, the Volunteer Unit will attempt to maintain and update a list of qualified community volunteers.

368.3.6 FAMILY AND FRIENDS OF LEP INDIVIDUAL
While family and friends of an LEP individual may frequently offer to assist with Interpretation, officers should carefully consider the circumstances before relying on such individuals. Unless it is an emergency or critical situation, officers and other Department members should only use family, friends, or bystanders for interpreting in very informal, non-confrontational contexts, and only to obtain basic information. Children should never be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect). Using family, friends and bystanders to provide interpretation could raise issues relating to confidentiality, privacy, and conflict of interest.

368.4 LEP CONTACT SITUATIONS AND REPORTING
While all law enforcement contacts, services and individual rights are important, this Department will utilize the four-factor analysis to prioritize language services so that they may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

When a criminal investigation involves a felony violation of law, every effort shall be made to utilize a certified interpreter or translator. Where a certified interpreter or translator is not available, LEP services may include, but are not limited to: Voice, or non-certified Department members who can interpret. In the event of an unforeseen or life threatening emergency, family members, friends or bystanders may be used to interpret while waiting for a qualified interpreter to arrive.

When a member is required to complete a report or other documentation and interpretation and/or translation services are provided to any involved LEP individual(s), such services should be noted in the related report. When LEP services are provided and no police report is written, the LEP contact shall be documented by adding supplemental notes to the event or the public counter LEP log. Notes shall be made on the language spoken by the LEP person and the type of language assistance service provided.

368.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE
In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this Department has designated its 911 lines as its top priority for language services. Department members will make every reasonable effort to promptly accommodate such LEP individuals utilizing 911 lines through any or all of the above resources.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate LEP individuals seeking more routine access to services and information from this Department.

368.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS
In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this Department places a high priority on providing competent language assistance services during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, Department members providing language assistance services or forms in these situations will make every reasonable effort to accurately interpret all communications with LEP individuals.

Members providing language assistance services shall be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of Department members. Medical screening questions are commonly used to elicit information on an individual’s medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal
from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for members to make every reasonable effort to provide effective language services in these situations.

368.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS
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. The scope and nature of these activities and contacts will inevitably vary. Each officer and/or supervisor must, assess each such situation to determine the need and availability for interpretation and/or translation services to any and all involved LEP individuals.

Although not every situation can be addressed within this policy, it is important that an officer is able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

368.4.4 COMMUNITY OUTREACH
Community outreach programs and other such services offered by this Department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. The Department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

368.5 TRAINING
In an effort to ensure that all members in public contact positions (or having contact with those in custody) are properly trained, the Department will provide training in the following areas during new member orientation:

(a) Member awareness of LEP policies, procedures, forms and available resources;
(b) Members having contact with the public (or those in our custody) are trained to work effectively with in-person and telephone interpreters; and
(c) Training for management staff, even if they may not interact regularly with LEP individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff.

Any updates to this policy, related procedure, or the LEP program will be distributed to all members in the appropriate format.
370 POLICY
It is the policy of this Department to 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.

370.1.1 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.

370.1.2 DEFINITIONS
Definitions related to this policy include:

Auxiliary aids - These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); or use of a qualified interpreter.

Deaf or hard of hearing - An individual who has or is regarded as having substantially limited hearing with or without assistance.

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.

370.2 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. These factors may include, but are not limited to:

(a) Members should not assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not 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. nonemergency, custodial vs. consensual contact, etc.); and

(d) 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.

When considering these and other available information member(s) should carefully balance all factors to reasonably ensure meaningful access by individuals with disabilities to critical services while not impose undue burdens on the Department or its members.
370.2.1 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 and exercise special care in the use of all gestures, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected.

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; and

(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 the use of 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.

Safety permitting, when an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of this Department, consideration should be given to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

370.3 TYPES OF ASSISTANCE AVAILABLE
Depending on the balance of the factors available for consideration at the time, this Department will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. The Department will not charge anyone for the expense of an accommodation. Disabled individuals may elect to accept department-provided auxiliary aids or services, choose to provide their own communication services at their own expense or any combination thereof. In any situation, the individual’s expressed choice of communication method shall be given primary consideration and honored unless the member can adequately demonstrate that another effective method of communication exists under the circumstances.

Members should document the type of communication utilized in any related report and whether a individual with a disability elected to use services provided by the Department or some other identified source. Department provided services may include, but are not limited to the following:

370.3.1 FIELD RESOURCES
Members are encouraged to utilize resources immediately available to them in any contact with a known or suspected person with a disability. Examples of this would include such simple methodssas:

(a) Hand gestures or written communications exchanged between the member and a deaf or hard of hearing individual;

(b) Facing an individual utilizing lip reading and speaking slowly and clearly;
(c) Slowly and clearly speaking or reading simple terms to any visually or mentally disabled individual; and

(d) Utilization of certified interpreters and translators from the City of Fresno bilingual certification program.

370.3.2 AUDIO RECORDINGS AND ENLARGED PRINT
From time to time, the Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, members may elect to read aloud a Department form or document such as a citizen complaint form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

370.3.3 QUALIFIED INTERPRETER SERVICES
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 speech reading (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 generally not to exceed one hour;

(b) Experienced in providing interpretation services related to law enforcement matters;

(c) Familiar with the use of VRS and/or video remote interpreting service;

(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; and

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Comcen will maintain a list of qualified interpreter services to be contacted at Department expense to assist deaf or hard of hearing individuals upon approval of a supervisor. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

370.3.4 TTY AND RELAY SERVICES
Individuals who are deaf or hearing impaired must be given the opportunity to use available text telephones (TTY 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).

370.3.5 COMMUNITY VOLUNTEERS
Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL) or Signed English (SE). In addition to such sources developed by individual officers, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

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.

370.3.6 FAMILY AND FRIENDS
While family and friends of an individual with a disability may frequently offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the individual with a disability and the individual offering services must be carefully considered (e.g., victim/suspect).

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; and

(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.

370.4 CONTACT SITUATIONS AND REPORTING
While all contacts, services, and individual rights are important, this Department will carefully consider reasonably available information in an effort to prioritize services to individuals with disabilities so that such services and resources may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

When any member of this Department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved individual(s) with disabilities, 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 shall document why another method was used.

370.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE
In order to provide individuals with disabilities with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this Department has designated its 911 lines as its top priority for assistance with such services. Members will make every reasonable effort to promptly accommodate such individuals with disabilities utilizing 911 lines through any or all of the above resources.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate individuals with disabilities seeking more routine access to services and information from this Department.

370.4.2 FIELD ENFORCEMENT AND INVESTIGATIONS
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 which may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary, therefore the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved individuals with disabilities.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an individual with a disability. For example, it
would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

370.4.3 CUSTODIAL INTERROGATIONS
In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this Department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Miranda warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written Miranda warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.

370.4.4 ARREST AND BOOKINGS
In an effort to ensure the rights of all individuals with disabilities are protected during arrest and bookings, this Department places a high priority on providing reasonable communication assistance during such situations.

Members providing such assistance shall also be aware of the inherent communication impediments to gathering information from individuals with disabilities throughout the booking process or any other situation in which an individual with a disability is within the control of Department personnel. Medical screening questions are commonly used to elicit information on individual’s medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for this Department to make every reasonable effort to provide effective communication assistance in these situations.

(a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.

(b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheel chair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.

370.4.5 COMMUNITY OUTREACH
Community outreach programs and other such services offered by this Department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this Department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to individuals with disabilities and groups.

370.5 TRAINING
In an effort to ensure that all members in public contact positions (or having contact with those in custody) are properly trained, this Department will provide training in the following areas during new member orientation:

(a) Member awareness of related policies, procedures, forms and available resources; and
(b) How to work effectively with in-person and telephone interpreters and related equipment.

Management staff will receive training even if they may not interact regularly with individuals with disabilities. This is to ensure they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff.

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Any updates to this policy or related procedure will be distributed to all members in the appropriate format. In addition, members will receive training related to the basics of ADA and appropriate ways of serving people with disabilities during the mandatory triennial anti-harassment/anti-discrimination training.

307.6 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; and

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Dispatch 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.
372.1 POLICY
When any Department member makes an arrest, in accordance with Policy Manual §372.2, of any school or community care facility employee he/she shall notify his/her immediate supervisor to facilitate forwarding the information to the Chief of Police or his/her designee.

372.1.1 PURPOSE AND SCOPE
The purpose of this policy is to describe the requirements and procedures to follow when school (teacher and non-teacher) or community care facility employee has been arrested under certain circumstances.

372.2 MANDATORY EMPLOYEE ARREST REPORTING
In the event a school or community care facility employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows:

372.2.1 ARREST OF PUBLIC SCHOOL TEACHER
In the event a public school teacher is arrested for any controlled substance offense enumerated in HS §11590 or HS §11364, in so far as that section relates to HS §11054(d)(12), or for any of the offenses enumerated in PC §290, PC §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 (HS §11591; PC §291).

372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE
In the event a public school non-teacher is arrested for any controlled substance offense enumerated in HS §11590 or HS §11364, in so far as that section relates to HS §11054(d)(12), or for any of the offenses enumerated in PC §290, PC §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 (HS §11591; PC §291).

372.2.3 ARREST OF PRIVATE SCHOOL TEACHER
In the event a private school teacher is arrested for any controlled substance offense enumerated in HS §11590 or HS §11364, in so far as that section relates to HS §11054(d)(12), or for any of the offenses enumerated in PC §290, PC §261(a), 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 (HS §11591; PC §291.1).

372.2.4 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 HS §11590 or HS §11364, in so far as that section relates to HS §11054(d)(9), or for any of the(743,844),(912,872) offenses enumerated in PC §290 or in PC §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 (HS §11591.5; PC §291.5).
372.2.5 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 PC §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 (HS §1522.2).
373.1 POLICY
Blood and urine will only be collected as evidence in accordance with established procedures. Blood evidence will only be collected by licensed health care professionals.

373.1.1 PURPOSE AND SCOPE
To ensure that blood and urine evidence collection will be accomplished in the safest possible manner and to ensure the integrity of the evidence. Blood and urine may be collected in DUI, drug influence, or other criminal investigations.

373.2 BLOOD EVIDENCE

373.2.1 LEGAL REQUIREMENTS
Blood samples obtained from persons charged with DUI shall be collected, handled and preserved as required by 1219 and 1219.1 of Title 17 of the California Code of Regulations.

To ensure compliance with CVC §23158(g), Chemical Test Procedure, Central Valley Toxicology Inc. (CVT), will be responsible for the ‘general supervision’ of all blood draws performed by the Department’s phlebotomists.

373.3 URINE EVIDENCE
The urine test should be taken at a Crime Scene Investigation Bureau holding cell. Officers shall accompany the suspect at all times, affording the arrestee a reasonable measure of privacy while maintaining adequate prisoner security and evidence integrity.

All urine tests shall be conducted by an officer of the same sex as the suspect.

373.3.1 URINE TEST
A urine test may be used under the following circumstances:
- If both the blood and breath tests are unavailable;
- If the driver submits to a breath test and later requests an additional test to be taken for later analysis, per Trombetta, and a blood test is not available;
- Unable to take a blood test due to medical reasons (e.g., hemophiliac, medication, etc.);
- For drug influence investigation; or
- Other non-specified investigations.

373.4 INJURED OR UNCONSCIOUS SUBJECTS
Any subject who is unconscious or deceased is considered incapable of withdrawing their consent for a blood draw for evidence purposes. An officer may direct medical staff to obtain the blood draw.
374.1 POLICY
This policy is to provide guidelines for the collection of DNA evidence from those individuals required to provide such samples under the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and the State of California DNA Data Bank Program (Penal Code §295, et seq.).

PURPOSE AND SCOPE
Only those qualifying individuals whose DNA sample is not currently on file with the Department of Justice may be required to provide samples. Verification of DNA samples on file may be determined by a DNA collection "flag" on the individual’s criminal history record or, during regular business hours, by calling the Department of Justice at (510) 620-3300 and pressing "11" in the automated system [Penal Code §298(b)(5)].

374.2 PERSONS SUBJECT TO DNA COLLECTION
While the courts may order DNA samples taken in a variety of circumstances under the Act, members of this Department are only authorized to obtain DNA samples from the following individuals absent other lawful means (e.g., consent or a search warrant).

Only those qualifying individuals whose DNA sample is not currently on file with the Department of Justice may be required to provide samples. Verification of DNA samples on file may be determined by a DNA collection "flag" on the individual’s criminal history record or, during regular business hours, by calling the Department of Justice at (510) 620-3300 and pressing "11" in the automated system [Penal Code §298(b)(5)].

It is a misdemeanor for any qualified individual to refuse to give any or all required DNA samples following written notice of the requirement to do so [Penal Code §298.1(a)].

374.2.1 ARRESTEES
Immediately following arrest, or during the booking process, or as soon as administratively practicable after arrest (but in any case prior to release on bail or other physical release from custody), any adult arrested or charged with a felony offense is required to provide DNA samples [Penal Code §296(a)(2)(C)].

The January 1, 2009, provisions governing DNA sample collection from all adults arrested for any felony offense are not retroactive and so do not permit sample collection for arrests that took place prior to 2009.

374.2.2 SEX AND ARSON REGISTRANTS
Any adult or juvenile who is required to register as a sex offender under Penal Code §290 or arsonist under Penal Code §457.1, including those whose registration resulted from a qualifying misdemeanor crime is required to submit a DNA sample. [Penal Code §296(a)(3)].

At the time that any such registrant registers, updates registration, or is notified by the Department of Justice or other law enforcement officer, an appointment shall be made designating the time and place for the collection of DNA samples if no such sample has already been provided [Penal Code §296.2(c)].
374.3 OBTAINING DNA SAMPLES
Upon a determination that any individual is qualified and required to provide DNA samples under the Act, the arresting officer or other employee designated by a supervisor shall transport the arrestee to the Fresno County Jail to complete the booking process where DNA samples will be obtained in accordance with this policy.

374.4 RELATED STATUTES
It is a felony for any qualifying individual to knowingly facilitate the collection of a wrongfully attributed DNA sample or identification information, or to knowingly tamper with any DNA sample or collection container with the intent to deceive the government as to his or her identity (Penal Code §298.2).

It is unlawful for any person to knowingly misuse or disclose to an unauthorized entity a DNA sample collected or profile obtained for DNA database purposes [Penal Code §299.5(i)(1)(A)].

374.5 LITIGATION
The Chief of Police or authorized designee shall immediately notify the Department of Justice DNA Legal Unit at (415) 703-5892 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.
375.1 POLICY
It is the policy of the Fresno Police Department to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

375.1.1 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.

375.2 DEFINITIONS
Definitions related to this policy include:

**Gun violence restraining order (GVRO)** - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving or otherwise having custody of any firearms or ammunition (Penal Code § 18100).

**Immediate family member** - Any spouse, whether by marriage or not; domestic partner; parent; child; any person related by consanguinity or affinity within second degree; or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household (Penal Code § 422.4).

375.3 GUN VIOLENCE RESTRAINING ORDERS
An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for a gun violence restraining order.

The GVRO laws establish three means of acquiring a restraining order:

1. Emergency GVRO;
2. Temporary GVRO; and
3. GVRO, issued after notice and a hearing.

The court may also issue a warrant to search and remove all firearms and ammunition from a prohibited person based on the sworn affidavit of a police officer that the prohibited person has failed to comply with the GVRO.

A person in possession of a firearm in violation of GVRO is guilty of a misdemeanor (Penal Code § 18205).

Any person who files a petition for a GVRO that contains statements the person knows are false, or with intent to harass the subject of the petition for a GVRO is guilty of a misdemeanor (Penal Code § 18200).
Chapter 4 • Patrol Operations
Patrol Function

400.1 PURPOSE AND SCOPE
The purpose of this policy is to define the functions of patrol to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION
Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Fresno, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions;

(b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.;

(c) Calls for service, both routine and emergency in nature;

(d) Investigation of both criminal and non-criminal acts;

(e) The apprehension of criminal offenders;

(f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature;

(g) The sharing of information between the Patrol and other divisions within the Department, as well as other outside governmental agencies; and

(h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.

(i) Traffic direction and control

400.2 PATROL INFORMATION SHARING PROCEDURES
The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Fresno Police Department.

400.2.1 CRIME VIEW BUREAU
The Crime View Bureau is the central bureau for information exchange. Criminal information and intelligence reports can be submitted to the Records Bureau for distribution to all divisions within the Department through daily and special bulletins.

400.2.2 CRIME REPORTS
A crime report may be completed by any patrol member who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.
Patrol Function

400.2.3 PATROL BRIEFINGS
Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

400.2.4 INFORMATION CLIPBOARDS
Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, the patrol check clipboard, the wanted persons clipboard, and the written directive clipboard.

400.2.5 BULLETIN BOARDS
A bulletin board will be kept in the briefing room and the Investigation Bureau for display of suspect information, intelligence reports and photographs. New Provisional Orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Provisional Order will be placed on the briefing room clipboard.

400.3 STATISTICS
The Daily Activity Report (DAR, AKA: Stat Sheet) will be used by officers, CSO’s, and Cadets assigned to patrol to record the number of certain key enforcement activities, including field interview cards submitted, calls for service handled, reports written, number of days worked, and sick leave used during the month.
402.1 POLICY
The Fresno Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

402.1.1 PURPOSE AND SCOPE
This policy provides guidance to department members and establishes appropriate controls to ensure that members of the Fresno Police Department do not engage in racial or bias-based profiling or violate any related laws while serving the community.

402.2 DEFINITION
Racial- or bias-based profiling - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service. (Penal Code § 13519.4)

402.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED
Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).
Re•Introduction To Patrol

403.1 POLICY
The re•introduction training process will be completed at the discretion of the district commander for any absence less than twelve months in duration.

403.1.1 PURPOSE AND SCOPE
Members leave patrol for different assignments and other reasons. Policies and procedures change frequently, as do legal requirements and laws. In order to re•acclimate the member to patrol, a re•introduction training process will be completed when the member has been away from patrol in excess of twelve months.

403.2 DISTRICT COMMANDER ROLE
When a member returns to patrol, the district commander of the assigned district shall notify the PTO Coordinator of the need to re•acclimate the returning member to patrol.

When a sergeant returns to patrol, the District Commander shall assign the returning sergeant to shadow an existing patrol sergeant for up to one week, generally.

403.3 POLICE TRAINING OFFICER (PTO) ROLE
The PTO will review a re•introduction package of materials that are developed by the PTO Coordinator, with the member and ensure that the member understands the material.

403.4 SERGEANT RE•ENTRY PROGRAM
The same purpose for re-entry training for officers/CSOs applies to sergeants.
Briefing

404.1 POLICY
The supervisor conducting "briefing" is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate employee in their absence or for training purposes.

404.1.1 PURPOSE AND SCOPE
Briefing is generally conducted at the beginning of the member’s assigned shift. Briefing provides an opportunity for important information exchange between members and supervisors. A supervisor generally will conduct briefing; however, subordinate members may with supervisor approval.
406.1 POLICY
The protection and integrity of a scene is of the utmost importance for the successful apprehension and prosecution of criminals. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.1.1 PURPOSE AND SCOPE
This policy provides an overview of the first responding officer’s responsibilities at a crime scene or a major incident.

406.2 CRIME SCENE RESPONSIBILITY
The first responding officer at the scene of a crime is responsible for:
• Preservation of the crime scene;
• Officer and public safety; and
• Rendering medical aid for any injured party.

406.2.1 MAJOR INCIDENT RESPONSIBILITIES
The first responding officer at the scene of a major incident is responsible for observation of all conditions, events and additional information relevant to the incident.

406.3 TEMPORARY FLIGHT RESTRICTIONS
Crime and disaster scenes can sometimes attract news helicopters and other sightseeing aircraft. Whenever such aircraft pose a threat to public safety due to congestion or when the noise levels caused by loitering aircraft hamper incident operations, the field supervisor should consider requesting Temporary Flight Restrictions (TFR) through the Federal Aviation Administration (Federal Aviation Regulations § 91.137). All requests for TFR should be routed through the Field Commander.

406.4 PUBLIC ENTRY INTO CRIME SCENES OR MAJOR INCIDENTS
No member of the public shall be allowed entry to a crime scene without good reason and legal right. All such entries shall be approved by the primary investigating member and any affected private property owner before they are allowed.

Any person(s) may be excluded from a crime scene when their presence may cause destruction or disruption of evidence.

The access to crime scenes by the media is explained in Policy Manual § 346.

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 (HS §120155).
407.1 POLICY
The Fresno Police Department has developed the following policy in order to address pre-planned events/incidents where mass arrests may occur.

407.1.1 PURPOSE AND SCOPE
This policy provides guidance for the coordination, deployment, and handling of a mass arrest incident as defined within this policy.

407.2 DEFINITION
Mass Arrest – Is defined as the arrest of persons during an event in which the number exceeds our Department’s ability to:
   (a) Transport by normal means (e.g. patrol vehicles, wagons/vans); and
   (b) Is beyond the processing and temporary holding capabilities of Crime Scene Investigation Bureau.

407.3 EVENT / INCIDENT RESPONSIBILITIES
407.3.1 PRE-PLANNED EVENT
The Chief of Police and/or a division commander will designate a staff officer or supervisor as the Incident Commander.

407.3.2 SPONTANEOUS INCIDENTS
Incidents may arise in the field which require mass arrests to be made. When this occurs, the on-scene Incident Commander for purposes of this order, will be the highest ranking member present until he/she is properly relieved.

407.4 INTERAGENCY AGREEMENTS
Interagency agreements are pre-planned and in place prior to the large scale event if assistance from specific outside agencies is anticipated. In cases where a request is made for mutual aid it shall be handled consistent with the National Emergency Management System (NEMS) plan.

407.5 DEFENSE COUNSEL VISITS
Visits from counsel generally are not allowed during the booking process.

407.6 MEDIA RELATIONS
Media relations will be handled consistent with Policy Manual §346.

407.7 FOOD, WATER, AND SANITATION
Appropriate steps will be taken to ensure that the basic necessities of food, water, and sanitation facilities are provided when it is anticipated that prisoners will be detained in the field for prolonged periods of time.

407.8 MEDICAL TREATMENT
If available, arrangements should be made to have emergency medical services personnel on scene throughout the event. As part of the booking process at FCJ/FCJH, the on-duty medical personnel will conduct a medical screening.

Prisoners requiring medical attention will be transported to the appropriate medical facility as soon as practical. Prisoners requiring immediate emergency medical treatment will be transported by EMS.
408.1 POLICY
The Department has established the Special Weapons and Tactics (SWAT) Team to provide specialized support in handling critical field operations where intense negotiations and special tactical deployment methods are required.

408.1.1 PURPOSE AND SCOPE
The SWAT Team is a support element of the Department and should be utilized when the situation requires the use of their specialized capabilities. The SWAT Team has as a supporting element, the Crisis Negotiation Team (CNT).

408.1.2 OPERATIONAL AND ADMINISTRATIVE POLICY
Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the operational policy outlined in this manual section serves as a guideline to Department members allowing for appropriate on-the-scene decision-making as required. The administrative procedures, however, are more restrictive and few exceptions should be taken.

408.2 MANAGEMENT/SUPERVISION OF SWAT
The Commander of the SWAT Team shall be selected by the Chief of Police or his/her designee upon recommendation of staff.

408.2.1 PRIMARY UNIT COMMANDER
Under the direction of the Chief of Police or his/her designee, the CNT and SWAT Team shall each be managed by a lieutenant.

408.2.2 TEAM SUPERVISORS
The CNT and each SWAT Team will be supervised by a sergeant.

The team supervisors shall be selected by the Chief of Police or his/her designee, upon specific recommendation by staff and the SWAT Commander.
409.1 POLICY
The primary duty of the Fresno Police Department during special events/operations, demonstrations, and labor disputes is to preserve the peace. Officers should make arrests only in serious matters and should leave open several avenues of escape so that the crowd may disperse easily.
Fresno Police Department Policy Manual
Ride-Along Policy

410.1 POLICY
The Fresno Police Department Ride-Along Program is offered to all those who qualify. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

PURPOSE AND SCOPE
The Ride-Along Program provides an opportunity for citizens to experience law enforcement, police incidents, and to hopefully have a better understanding of the Fresno Police Department.

410.1.1 DISQUALIFICATION
The following factors may be considered in disqualifying an applicant and are not limited to:
- Prior criminal history or conviction;
- Pending criminal action;
- Pending lawsuit against the Department; and
- Denial by any supervisor.

410.1.2 AUTOMATIC DISQUALIFICATION
- Being under 16 years of age; or
- Being on probation or parole.

410.1.3 AVAILABILITY
Ride-Along participants may request a specific shift and area, but will be assigned based on availability.

410.2 REQUESTING A RIDE-ALONG
Ride alongs will only be approved when there is a demonstrated benefit to the Department and/or the community.

Ride-along requests will be scheduled by Patrol Division personnel. All participants will complete a Ride-Along Waiver Form. Information provided will include a valid state, federal or military ID or driver’s license, address, and telephone number. Participants will provide the name, address and telephone number for an adult relative or friend to contact in case of emergency. Completed forms turned in to the Records counter will be forwarded to the Duty Office for processing.

Patrol Division personnel will schedule a date for an interview. If the participant is under 18 years of age, a parent/guardian must be present, during the interview and complete the Ride-Along Form. Applicants will report to the Patrol Division where an interview will take place and the "Do’s" and "Don’ts" of the ride along will be explained. Only after satisfactorily completing the interview will an applicant will be scheduled for a ride along. When an applicant is denied participation in the Ride-Along Program they will be advised of the denial.

All ride-along applicants are subject to a criminal history check. The criminal history check will 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 (provided that the ride-along is not a member of the Department) (CLETS Policies, Practices and Procedures Manual §1.6.1.F.2.).

410.2.1 PEACE OFFICER RIDE-ALONGS
Peace officers from other agencies may participate in the Ride-Along Program. The Ride-Along Form must be completed, signed, and turned into the Patrol Division. An interview will be scheduled.
consistent with Policy Manual §410.2. When the officer requests to carry a firearm, authorization from the district field supervisor must first be obtained. Ride-along requirements for police cadets are covered in Policy Manual §1048, "Police Cadet Program."

410.2.2 ASSOCIATES OF DEPARTMENT MEMBERS
Department members may schedule personal associates (friends, relatives or professional associates) for a ride-along and are not required to contact the Patrol Division. Department members requesting the ride-along will contact the Duty Officer at least one and one half (1.5) hours prior to the start of briefing and provide the name of the ride-along. Only one ride-along may be scheduled in each district and watch. It is the responsibility of the requesting Department member to ensure that a liability waiver is completed and signed by the ride-along prior to the start of the shift. Liability waiver forms are available at each of the district stations and the Duty Office. Completed liability waiver forms shall be forwarded to the Patrol Division secretary. A shift supervisor shall deny a ride-along if a liability waiver is not completed and signed prior to the start of the patrol shift. Associates of Department members will adhere to the same procedures as other ride-along participants and must be free from felony criminal history.

410.3 CONTROL OF RIDE-ALONG
The assigned Department member shall maintain control over the ride-along participant at all times and instruct him/her in the conditions that necessarily limit their participation.

410.3.1 RIDE-ALONG WITNESS DOCUMENTATION
Department members assigned a ride-along will record the first and last name of the ride-along in the CAD log on “comments” field at the beginning of the patrol shift. Ride-along participants will follow the directions of the Department member. The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment. In the event a ride-along is witness to a crime in progress or could provide testimony in court for any reason, the ride-along will be listed as a witness in the police report with complete name and contact information.

410.4 GUIDELINES
The following is a list of guidelines for participants:

• No jeans (regardless of color), baggy pants, T-shirts, sweats, hats or caps allowed.
• No skirts, dresses or high heels.
• Present a professional image, otherwise you could be sent home.
• You can ride for 5 hours, or longer at the Department member’s discretion.
• The Department member, at his/her discretion, can end the ride-along at anytime.
• You could get injured.
• You are riding along at your own request. Neither the City nor the Department is making you ride-along.
• We do not provide protective equipment, such as ballistic vests or flashlights.
• You cannot bring a camera, tape recorder, or use any device to record any activities that occur while on the ride along. This is for the protection of the rights of the people we contact. Members of the working media are excepted.
• Do not bring tear gas, pepper spray, handcuffs or any sort of weapon, including firearms. This applies to those people with CCW permits.
• If the Department member tells you to stay in the car, do so. This is for your safety.
• You are not to attempt to assist in arresting suspects or become physically involved with suspects unless directed to do so. Do no interrupt officers during an investigation.
• Bring clothing appropriate for the weather.
• Be prepared for the possibility that you will not stop for breaks or meals during the ride-along.
• If you wear a medic-alert bracelet or have a medical condition such as epilepsy or diabetes, let the officer know at the start of the shift.
• Know your location, and know your detail.
• If you cannot make your scheduled appointment, make sure you call to cancel your ride-along. Not calling will prohibit you from riding for a year.
• One ride-along is allowed per year from the date of your ride-along. Supervisors may authorize additional ride alongs on a case by case basis.
Hazardous Material Response

412.1 POLICY
The Fresno Fire Department (FFD) has primary responsibility for all identified hazardous material spills or incidents involving possible hazardous materials. However all other responsibilities outside the scope of FFD at the scene of an actual spill or incident will remain with this Department.

412.1.1 PURPOSE AND SCOPE
Department members will follow, to the best of their ability, established procedures in dealing with any incident involving hazardous material in compliance with Title 8, California Code of Regulations § 5194.

412.2 HAZARDOUS MATERIAL RESPONSE
Hazardous Material • Is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.
413.1 POLICY
The Department will develop and implement standardized levels of readiness in conjunction with public school administrators to enable quick and effective communication between our Department and public schools during critical situations by using terms common to both agencies.

413.1.1 PURPOSE AND SCOPE
The purpose of this order is to define three levels of readiness of public schools in Fresno, and to prevent and react to violent situations on any campus. These terms and readiness levels have been developed in conjunction with public school administrators.

The definitions and criteria for activation as contained in this order are to enable quick and effective communication between our Department and public schools during critical situations by using terms common to both agencies.

413.2 SAFE SCHOOL ENVIRONMENT
This is the basic, everyday level of operation of the school with features designed to improve the climate of safety. It includes: quickly addressing misconduct, enforcing the dress code, controlling campus access, issuing visitor I.D. cards, providing many student activities, adequate student counseling, conflict resolution programs, and encouraging school pride and parent involvement. Student Resource Officers (SRO) and School Neighborhood Resource Officers (SNRO) assist in the development and monitoring of these safety features.

413.3 SCHOOL ALERT
This is a heightened state of readiness that is activated when violence threatens to reach a school campus, or a dangerous situation nearby warrants increased safety precautions at a school.

413.4 STUDENT RESOURCE OFFICERS
The Department will assign Student Resource Officers (SRO’s) to provide police services at the schools assigned to them. The SRO will work towards improving the quality of life at their assigned schools by utilizing the principles of community policing.

The SRO will primarily focus their efforts on the high schools in their district and in maintaining the Police/Probation Team relationships with the Juvenile Probation Department.

413.5 STUDENT NEIGHBORHOOD RESOURCE OFFICERS
The Department will assign Student Neighborhood Resource Officers (SNRO’s) to provide police services at the schools and surrounding neighborhoods assigned to them. The SNRO will work towards improving the quality of life at their assigned schools by utilizing the principles of community policing.

The SNRO will primarily focus their efforts on the middle schools and the surrounding neighborhoods in their district and in maintaining the Police/Probation Team relationships with the Juvenile Probation Department.
Hostages & Barricaded Suspects

414.1 POLICY
Officers encountering barricaded subject situations should not initiate tactical actions other than those necessary to protect the lives and safety of themselves or others consistent with the Department’s use of force policy.

414.1.1 PURPOSE AND SCOPE
Hostage situations and barricaded suspects present unique problems for our agency. The protection of the public and law enforcement personnel is of the utmost importance.

Proper planning and training will tend to reduce the risks involved with these incidents. The best course of action when reasonable is to control and contain the situation until the arrival of the SWAT Team and Crisis Negotiation Team.

414.1.2 DEFINITION OF BARRICADED SUBJECT
Barricaded Subject• Is any person who is reasonably believed to be a threat to commit serious bodily injury or death to hostages, officers, or others and who is in a stronghold position.

414.2 NOTIFICATIONS
A supervisor and/or commander must be notified and will evaluate the situation for consideration of a SWAT call-out.
Response to Bomb Calls

416.1 POLICY
When confronted with an incident involving explosives, safety shall always be the primary consideration. In the case of an actual bombing or discovery of suspected or actual hazardous device, a supervisor shall immediately notify the Department EOD Team Commander.

416.1.1 PURPOSE AND SCOPE
Members responding to incidents involving explosives, explosive devices, or explosion/bombing incidents, shall under no circumstances, compromise the safety of first responders or the public.

416.2 PERMITS FOR HANDLING, POSSESSING, TRANSPORTING, & STORING EXPLOSIVES
Requests for information pertaining to the acquisition of explosives permits shall be referred to the Fresno County Sheriff’s Department as they process all such applications.

416.3 INSPECTION OF LEGAL EXPLOSIVES
Inspection of legal explosives is the responsibility of the FFD. Members shall refer all requests for explosives inspection accordingly.

The inspection of legal explosive bunkers is the responsibility of the ATF. Members shall refer all requests for such inspections to the ATF.

The ATF may conduct inspections at their discretion.
417.1 POLICY
The Fresno 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.

417.1.1 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. These incidents often require an officer to make difficult judgments about a person’s mental state and intent in order to effectively and legally interact with the individual.

417.2 DEFINITIONS
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; use of alcohol or street drugs; 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.

417.3 COORDINATION WITH MENTAL HEALTH PROFESSIONALS
The Chief of Police shall designate an appropriate Commander from the Patrol Division to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interactions with those who may be suffering from mental illness or who appear to be in a mental health crisis.

417.4 OFFICER CONSIDERATIONS AND RESPONSIBILITIES
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. Often a person in mental health crisis has also been using drugs/alcohol. 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.

417.5 TRAINING
The Fresno Police Department will provide officers training on interaction with persons with mental health disabilities, welfare checks, de-escalation, tactical communication and crisis intervention (Penal Code §11106.4; Penal Code §13515.25; Penal Code §13515.27; Penal Code §13515.30).
418.1 POLICY
It is the policy of the Fresno Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (Welfare and Institutions Code §5150) process.

418.11 PURPOSE AND SCOPE
This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (Welfare and Institutions Code §5150).

418.2 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; or
(c) The person subject to the determination or anyone designated by the person.

If the probable cause is based on the statement of a person other than the officer, or other individual authorized by statute, such person shall be informed that they may be liable in a civil action for intentionally giving a statement which he or she knows to be false.

418.3 TRAINING
The Fresno Police Department will provide officers training on interaction with persons with mental health disabilities, welfare checks, 5150 commitments, de-escalation, tactical communication and crisis intervention (Penal Code §11106.4; Penal Code §13515.25; Penal Code §13515.27; Penal Code §13515.30).

418.4 TARASOFF NOTIFICATIONS
Mental health professionals have a duty to warn in circumstances where the patient has communicated to the psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims. In these situations, the psychotherapist's duty is to make a reasonable effort to communicate the threat to the victim or victims and to a law enforcement agency where the victim(s) reside [Tarasoff v. Regents of the University of California,17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (Cal. 1976)].

Upon receipt of a Tarasoff notification, Department members will document the threats and make reasonable efforts to notify the intended victim(s).
Cite & Release Policy

420.1 POLICY
The Department will comply with the State Legislature’s intent to release all persons on misdemeanor citations, if qualified for such release.

420.1.1 PURPOSE AND SCOPE
Penal Code § 853.6 requires law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions.

420.2 STATUTORY REQUIREMENTS
Citation releases are authorized by Penal Code § 853.6.

Release by citation for misdemeanor offenses can be accomplished in two separate ways:

(a) A field release is when the violator is released in the field without being transported to a jail facility; or

(b) A Crime Scene Bureau release is when a violator is released after being transported to the Prisoner Processing Section and processed.
421.1 POLICY
The Department investigates and enforces violations of various local and state statutes.

421.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide general guidelines for the investigation and enforcement of these violations in an effort to improve the overall quality of life to the community.

421.2 SMOKING IN ENCLOSED PLACES OF EMPLOYMENT
Labor Code Section 6404.5 became effective January 1, 1998, prohibiting smoking in bars, bar areas, and gaming clubs. Consistent with existing law, the prohibition against smoking applies to areas defined as an "enclosed place of employment," but does not apply in areas such as outside patios.

Any employer who knowingly and intentionally permit(s) smoking in an enclosed space at a place of employment is in violation of LC §6404.5. Likewise, any person who smokes in an enclosed space at a place of employment is in violation of LC §6404.5. LC §6404.5 is an infraction.

Officers will not be dispatched to violations of this section unless another crime is involved. Complaints regarding violations of this section can be directed to the Fresno County Department of Health Tobacco Prevention Program at 559-600-6449.
Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE
Article 30 of the Vienna Convention on Consular Relations, operative as to the United States on December 24, 1969, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate our authorities to notify the consulate upon the person’s detention, regardless of whether the detained person(s) request that his or her consulate be notified. The list of specific countries that the United States is obligated to notify is listed in Table 1 (appendix) or the U.S. Department of State website.

422.1.1 DEFINITIONS
Foreign National • Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Immunity • Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State’s Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country’s right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS
Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

422.3 LEVELS OF IMMUNITY
The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

422.3.1 DIPLOMATIC AGENTS
Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to California; but they do occasionally visit the state.
422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. This official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 600 consular officers in California, with most located in Los Angeles, San Francisco and San Diego.

422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are less than 100 honorary consuls in California.

422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer’s immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator’s license issued by the state. Additionally they may have California credentials issued by the Governor’s Office of Emergency Services (OES), Law Enforcement Division.

422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have California license plates with an "honorary consul" label. Driver’s identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.
423.1 POLICY
Any Department member receiving local Homeland Security or terrorism-related information, through any method of communication, shall report it immediately to the Department’s Criminal Intelligence Unit supervisor, electronically, by voicemail, or in writing. The Criminal Intelligence Unit supervisor shall review this information so that it may be relayed to the Joint Terrorism Task Force (JTTF), Sacramento Regional Terrorist Threat Assessment Center (SacRTTAC) or agency, when appropriate. The Criminal Intelligence Unit supervisor will be the Department’s Terrorism Liaison Officer Coordinator (TLOC). Trained Terrorism Liaison Officers (TLO) will coordinate information and related activities through the Criminal Intelligence Unit supervisor.

423.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide a city-wide reporting mechanism for known or suspected Homeland Security or terrorism-related activity so the information may be investigated and acted upon in a timely manner.

423.2 TERRORISM LIAISON OFFICER (TLO)
The TLO will act as the central contact point between this Department and the Office of Homeland Security and the Department of Homeland Security. Information exchanged by the TLO should facilitate information sharing and multi-jurisdictional preemption of terrorist acts or events.

423.3 HOMELAND SECURITY TLO MESSAGE LINE
This Department maintains a public message line for information related to Homeland Security and/or local terrorist-related activity. Messages can be left by phoning (559) 621-2TLO or 621-2856. Messages may also be sent by e-mail to TLO@fresno.gov.
426.1 POLICY
Any on-duty or off-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of the City of Fresno, shall notify his or her on-duty supervisor or the Field Commander at the earliest possible opportunity.

426.1.1 PURPOSE AND SCOPE
This policy provides a general guideline for reporting police activity while on or off-duty and occurring outside the jurisdiction of the City of Fresno.
428.1 POLICY
It is the policy of the Fresno Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status. It is the policy of the Department that officers shall not enforce violations of immigration law/status.

428.1.1 PURPOSE AND SCOPE
Immigration status alone is not a matter for police action. Awareness of this will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 VICTIMS AND WITNESSES
To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or California Constitutions.

428.3 JURISDICTION AND ENFORCEMENT
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, etc. When assisting ICE at their specific request, this Department may assist in the enforcement of any suspected criminal violations discovered as a result of inquiries or investigations initiated by ICE.

428.4 SWEEPS
The Fresno Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When 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, socioeconomic status, or other group.

The disposition of each contact (e.g., warning, citation, arrest, etc.), while discretionary in each case, should not be affected by such factors as race, ethnicity, sexual orientation, etc.

428.4.1 BASIS FOR CONTACT
The fact that an individual is suspected of being an undocumented alien shall not be the basis for contact, detention, or arrest.

428.5 ICE REQUEST FOR ASSISTANCE
If a specific request is made by ICE or any other federal agency, this Department will provide available support services, such as traffic control or keep-the-peace efforts, or in response to officer safety concerns, during the federal operation. Requests for assistance beyond that described above should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act, Government Code §7284.2 et seq. Any detention by a member of this Department should be based upon the reasonable belief that an individual is involved in criminal activity.
428.6 INFORMATION SHARING

No member of this Department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (§ 1373; Government Code § 7284.6):

(a) Sending information to, or requesting or receiving such information from federal immigration officials;
(b) Maintaining such information in department records; and
(c) Exchanging such information with any other federal, state or local government entity.

Nothing in this Procedure restricts sharing information that is permissible under the California Values Act.

428.6 VALID IDENTIFICATION CARDS/"MATRICULA CONSULAR"

The identification card known as the “Matricula Consular” is issued by the Mexican Consulate to Mexican citizens who have established residency in the United States. This valid form of identification includes the person’s photograph, name, address, date of birth, and a serial number. Department members shall familiarize themselves with the card’s security features to determine its authenticity. Department members shall recognize this card as a valid form of identification when attempting to establish a person’s identity during an investigation and/or while issuing a misdemeanor citation. This identification card is not to be considered as a valid driver’s license.

428.7 CONSIDERATIONS PRIOR TO REPORTING TO ICE

The Fresno Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any subject. Race, gender, religion, sex, sexual orientation, gender expression or identity, age, occupation or other arbitrary aspects are of no bearing on the decision to arrest.

428.8 U Visa and T Visa Nonimmigrant Status

Under certain circumstances, federal law allows temporary immigration benefits, known as a U Visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U Visa may be completed by an officer in order for a U Visa to be issued.

Similar immigration protection, known as a T Visa, is available for certain qualifying victims of human trafficking (8 USC §1101(a)(15)(T)). A law enforcement declaration for a T Visa may be completed by an officer in order for a T Visa to be issued.

428.9 Time Frames for Completion

Members and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for a T Visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Members and their supervisors shall complete the above process and the documents needed for a U Visa or T Visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 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 POLICY
Upon observing a damaged or malfunctioning signal, utility, or other infrastructure, members will advise the Communications Center (ComCen) of the location and problem. ComCen will make the necessary notification to the proper maintenance agency.

PURPOSE AND SCOPE

The Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department.

Requests for such service received by this Department should be handled in the following manner.

430.1.1 BROKEN WATER LINES
If a break occurs on the City side of a water meter, public works should be called as soon as practical by the ComCen.

430.1.2 ELECTRICAL LINES
City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. Pacific Gas & Electric (PG&E) or Public Works (for a damaged pole) should be promptly notified.

430.1.3 PUMPS, WELLS, ETC.
Public Works maintains public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, Public Works 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 ComCen or can be accessed by 621•CITY (2489).

430.1.5 TRAFFIC SIGNAL MAINTENANCE
The City of Fresno maintains all traffic signals within the City, as well as other areas, but not those belonging to the State of California.
432.1 POLICY
Only patrol rifles 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.

432.1.1 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 Fresno Police Department will make patrol rifles available to qualified patrol officers as an additional and more immediate tactical resource.

432.2 DEFINITION
Patrol Rifle – Is an authorized weapon that 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. The patrol rifle is not an automatic weapon and will fire in a semi-automatic mode only. No personally owned rifles may be carried for patrol duty unless preapproved in writing by the Chief of Police and the Department Armorer.

432.3 DEPLOYMENT OF THE PATROL RIFLE
The patrol rifle should primarily be used in incidents where there is a need to engage a suspect at a greater distance than would generally be effective with issued Department handguns or shotguns. Members authorized to carry and use the patrol rifle should not use it as a primary entry weapon.

432.4 DISCHARGE OF THE PATROL RIFLE
The discharge of the patrol rifle shall be governed by the Department’s Use of Force Policy, Policy §300.
Aircraft Accidents

434.1 POLICY
Any incident involving an aircraft will be handled according to established procedures in cooperation with appropriate investigative agencies.

434.1.1 PURPOSE AND SCOPE
This policy describes situations involving aircraft accidents including responsibilities of members, making proper notification, and documentation.

434.2 AIRCRAFT ACCIDENTS RESPONSIBILITIES

434.2.1 AT CITY OWNED/OPERATED AIRPORTS
The Director of Airports, through the Airport Public Safety Manager, is charged with the investigative responsibility for aircraft accidents occurring on City owned or operated airports. Members may be called upon to assist in the investigation.

434.2.2 AIRCRAFT ACCIDENTS NOT ON CITY PROPERTY
The Department has responsibility for the investigation of aircraft accidents not occurring on a City owned or operated airport. Members shall notify either the FAA or military personnel, depending of the type of aircraft involved in the accident, and shall give the location and condition on the aircraft.
436.1 POLICY
The Department will assign all new police officers to a structured Field Training Officer Program that is designed to prepare them to perform in a patrol assignment, possessing all skills and knowledge required to operate in a safe, skillful, productive and professional manner.

436.1.1 PURPOSE AND SCOPE
The Field Training Officer Program is intended to provide a standardized program to facilitate an officer's transition from the academic setting to his/her actual performance of general law enforcement duties of the Fresno Police Department.

436.2 TRAINEE DEFINED
Trainee – Any recruit or lateral police officer newly appointed to the Fresno Police Department who has successfully completed a POST approved Basic Academy.

436.3 TRAINING REQUIREMENTS
Recruit and lateral officers shall be required to successfully complete the Field Training Officer Program.

The training period for lateral officers may be modified depending on their demonstrated performance and level of experience.

436.4 FIELD TRAINING OFFICER
The Field Training Officer (Corporal/ 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 acquired knowledge and skills. FTOs must also possess extensive knowledge of current Department policy and procedure, penal codes and case law.

436.4.1 CORPORAL / FTO SELECTION
A Corporal / FTO will be selected based on the following considerations:

(a) Desire to be a Corporal/ FTO;
(b) Applicants must have four years of experience in patrol matrix duties to apply for the position. Corporal candidates may substitute one year of service if they possess a four year degree from an accredited college. Corporal candidates may substitute two years of service if they have completed two or more years of sworn patrol officer service with another CA city police department or CA county sheriff’s department.
(c) Demonstrated ability to serve as a positive role model, based upon written Commander recommendation;
(d) Successful completion of a written exam with a score of 80%;
(e) Successful completion of an oral interview with a score of 80%;
(f) Peer evaluation process;
(g) Most recent performance evaluation;
(h) Written Letter of recommendation by supervisor(s); and
(i) Internal Affairs discipline history.

An eligibility list of those who successfully pass the selection process will be established. The list will remain valid for two years.

Corporals and FTOs will be required to take and pass a written skills test with a score of 80% every three years to demonstrate retention of knowledge.
436.5 FTO TRAINING MANUAL
The FTO manual shall govern the operations of the FTO program and its various components. This includes program timetables, documentation (e.g., DORs (Daily Observation Reports), written examinations, summary evaluations, BOEs (Board of Evaluations), remedial components, etc.)

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 California State Master 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.

436.6 FTO TRAINING
An officer selected as a FTO shall successfully complete a POST certified (40 hour) Field Training Officer’s Course prior to being assigned as a 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 also complete a CIT training course certified by POST (PC §13515.28).

436.7 FIELD TRAINING PROGRAM SUPERVISOR
The Field Training Program supervisor will be selected from the rank of sergeant by the Personnel Bureau Commander or his/her designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:
- Assignment of trainees to FTOs;
- Conduct FTO meetings;
- Maintain and ensure FTO/trainee performance evaluations are completed;
- Maintain, update and issue the Field Training Manual to each trainee;
- Monitor individual FTO performance;
- Monitor overall FTO Program;
- Maintain liaison with FTO coordinators of other agencies;
- Maintain liaison with academy staff on recruit performance during the academy and
- Develop ongoing training for FTOs.

436.8 EVALUATIONS
Evaluations are an important component of the training process and shall be completed as outlined below.

436.8.1 FIELD TRAINING OFFICER
The FTO will be responsible for the following:
- Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis;
- Review the DOR with the trainee each day;
- Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training; and
- Sign off all completed topics contained in the Field Training Manual.

436.8.2 IMMEDIATE SUPERVISOR
The immediate supervisor shall review and approve the DORs and forward them to the Field Training Administrator.

436.8.3 FIELD TRAINING ADMINISTRATOR
The Field Training Administrator will review and approve the DORs submitted by the FTO through his/her immediate supervisor.
436.8.4 TRAINEE
At the completion of the Field Training Program, the trainee shall complete an exit evaluation process.

436.9 DOCUMENTATION
All documentation of the Field Training Program will be retained in the officer’s training files and will consist of the following:
- Daily Observation Reports;
- End of phase evaluations; and
- A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training.
Air Support

438.1 POLICY
Department members may request air support in order to maximize officer safety and facilitate the goals of the department.

438.1.1 PURPOSE AND SCOPE
The use of a police helicopter or airplane can be invaluable in certain situations. These general rules/guidelines specify potential situations where the use of air support may be requested.

438.2 REQUEST FOR AIR SUPPORT
When a member determines that the assistance of air support would be beneficial, a request can be made through ComCen.

438.2.1 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED
Air support may be requested under any of the following conditions:

(a) When air support is activated under existing mutual aid agreements;
(b) When the safety of law enforcement personnel are in jeopardy and the presence of air support may reduce such hazard;
(c) When the use of air support can aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community;
(d) When air support is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard;
(e) Vehicle pursuits; or
(f) Any other situation deemed appropriate and approved by a commander or his/her designee.
439.1 POLICY
Unmanned aerial systems may be utilized to enhance the Department’s mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a small unmanned aerial system (sUAS) will be in strict accordance with Constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. Department members may request a sUAS for assistance in order to maximize officer safety and facilitate the goals of the Department.

439.2 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use of a sUAS and for the storage, retrieval and dissemination of images and data captured by the sUAS.

439.2.1 DEFINITIONS
Definitions related to this policy include:

Small Unmanned Aerial System (sUAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

Federal Aviation Administration (FAA) - The government agency responsible for the regulation of all aspects of aviation, including unmanned aerial systems.

Certificate of Waiver or Authorization (COA) - Authorization issued by the FAA for gaining approval when there is a need to operate a sUAS outside of the provisions of FAA Part 107.

439.3 PRIVACY
The use of the sUAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during sUAS operations.

439.4 PROGRAM COORDINATOR
The Chief of Police will appoint a program coordinator who will be responsible for the management of the sUAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current;
- Ensuring that all authorized operators and required observers have completed all required FAA and Department-approved training in the operation, applicable laws, policies and procedures regarding use of the sUAS;
- Developing uniform protocol for submission and evaluation of requests to deploy a sUAS, including urgent requests made during ongoing or emerging incidents;
- Developing protocol for conducting criminal investigations involving a sUAS, including documentation of time spent monitoring a subject;
- Implementing a system for public notification of sUAS deployment;
• Developing an operations manual governing the deployment and operation of a sUAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities;
• Developing a protocol for fully documenting all missions;
• Developing a sUAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a sUAS, up to and including its overhaul or lifelimits;
• Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody;
• Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules;
• Facilitating law enforcement access to images and data captured by the sUAS;
• Recommending program enhancements, particularly regarding safety and information security; and
• Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

439.5 USE OF sUAS
Only authorized operators who have completed the required Department training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible for use in viewing areas only where there is no protectable privacy interest, or where exigent circumstances exist and such use is authorized by this Policy or deemed necessary for public safety purposes.

sUAS operations should only be conducted during daylight hours and a sUAS should not be flown over populated areas, unless operating under an appropriate, valid FAA waiver.

439.6 PROHIBITED USE
The sUAS video surveillance equipment shall not be used:
• To conduct random surveillance activities;
• To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation;
• To harass, intimidate or discriminate against any individual or group; or
• To conduct personal business of any type.

The UAS shall not be weaponized.

439.7 RETENTION OF UAS DATA
Data collected by the sUAS shall be retained as provided in the established records retention schedule.
Photographing of Field Detainees

440.1 POLICY
The decision to photograph a detainee in the field shall be left to the discretion of the involved officer based on the totality of the circumstances available to him/her at the time of the detention.

440.1.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the taking and retention of photographs of persons detained in the field but not arrested.

440.2 FIELD PHOTOGRAPHS
Field photographs are defined as a photograph taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual are not considered field photographs. Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

440.2.1 PHOTOS TAKEN WITH CONSENT
Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. Prior to taking any photograph of detained subject, officers shall attempt to gain consent.

440.2.2 PHOTOS TAKEN WITHOUT CONSENT
Field photographs may be taken without consent if the photograph is taken during a lawful detention based upon reasonable suspicion of criminal activity, and:

(a) The photograph should serve some legitimate law enforcement purpose related to the detention. Knowledge or suspicion of gang membership or affiliation, without more, is not a sufficient justification for a photograph taken without consent. If the detention or contact was to investigate a person’s gang membership or affiliation, the contact and photograph should take only as much time as required to document an FI card and photograph; and

(b) The detention shall not be prolonged for the sole purpose of taking a photograph.

440.2.3 SUPERVISOR RESPONSIBILITY
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.

440.3 DISPOSITION OF PHOTOGRAPHS
Individual members shall not maintain personal intelligence files containing photographs. If authorized by law, the unit or bureau, will maintain the files/photos according to their operations manual.

Any access to field photographs should go through the appropriate unit or bureau and is strictly limited to law enforcement purposes.
Photographing of Field Detainees

440.4 PURGING THE FIELD PHOTO FILE
This shall be done in accordance with the procedures outlined in the applicable operations manual.
442.1 POLICY
The Department will establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity as outlined in Penal Code §§ 186.20 through 186.33 of the "Street Terrorism Enforcement and Prevention Act."

442.1.1 PURPOSE AND SCOPE
The purpose of this policy is to establish a process that will be used for enhancing criminal prosecution of criminal street gang participants.

The Multi Agency Gang Enforcement Consortium (M.A.G.E.C.) shall be responsible for validating gangs and gang members.

442.2 DEFINITIONS
Pattern of Criminal Gang Activity Shall mean the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of two or more of the offenses listed in Penal Code §186.22(e)(1-33), provided at least one of these offenses occurred after the effective date of this chapter and the last of those offenses occurred within three years after a prior offense, and the offenses were committed on separate occasions, or by two or more persons.

Criminal Street Gang Shall mean any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in paragraphs (1) to (25), inclusive, or (31) to (33), inclusive, of subdivision (e) of PC §186.22, having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

Gang Related Crime Shall mean any crime, which is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang.

442.3 IDENTIFICATION OF CRIMINAL STREET GANGS /PARTICIPANTS
M.A.G.E.C. shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.
444.1 POLICY
Members are to be familiar with the district command structure of the Department, as well as the staff responsibilities, to ensure a viable chain-of-command is maintained.

444.1.1 PURPOSE AND SCOPE
The purpose of this order is to address the responsibilities of district command staff.

444.2 DISTRICT COMMAND STAFF
Each district is assigned a District Commander.

Field Commanders are assigned citywide responsibilities (Policy Manual §444.4).

444.3 DISTRICT COMMANDER RESPONSIBILITIES
District Commander responsibilities include, but are not limited to:
(a). Direction and operational control of Patrol Division personnel within their district;
(b). Maintenance of discipline and morale within their district;
(c). Operational activities and the operational needs of their district;
(d). Involvement in any major operations and/or critical incidents within their district;
(e). On-going review and coordination of all assigned personnel in their district (patrol, investigators, POP, etc.);
(f). Providing coordinated management of enforcement needs between districts and/or jurisdictional boundaries;
(g). Monitoring of planned multi-district/jurisdictional field responses;
(h). Management of emergency response to multi-district/jurisdictional events;
(i). Monitoring the utilization of Patrol Division resources and redirecting personnel as needed to include cross-district dispatching of resources;
(j). Assigning the investigation of citizen complaints when the complaint is of the type that can be handled at the district level;
(k). Staff review of certain specified investigative reports after supervisor approval. These reports include:
   1. Citizen complaints investigated at the district level;
   2. Officer-involved collisions;
   3. Incidents involving injured prisoners;
   4. Any reported officer injury;
   5. Officer involved as a suspect;
   6. Any unusual involvement of members of this Department in any police investigations;
   7. Police investigations involving potential City liability; and
   8. Any unusual involvement of personnel of other governmental agencies in a police investigation.
(l). Maintaining the continuance of routine police services during emergencies;
(m). Conducting periodic inspections of personnel and equipment under their command;
(n). Promotion and stimulation of supervision in their district;
(o). Maintenance of Problem Oriented Policing (POP) within guidelines established by Department policy and directives;
(p). Periodic meetings with supervisors to discuss problems, community needs, and progress;
(q). Disposition of all citizen inquiries brought to their attention;
(r). Ensuring response to public service requests; and
(s). Personnel problems arising in their district.
444.4 FIELD COMMANDER RESPONSIBILITIES
The Field Commanders are assigned citywide responsibilities which include, but are not limited to:

(a). Being the official representative of the Chief of Police during the absence of higher authority and assuming the administrative duties of the Chief of Police;
(b). Ongoing review and coordination of watch two and three patrol personnel;
(c). Involvement in any major operation during their shift;
(d). Providing coordinated management of enforcement needs between districts and/or jurisdictional boundaries;
(e). Monitoring of planned multi-district/jurisdictional field responses;
(f). Management of emergency response to multi-district/jurisdictional events;
(g). Monitoring the utilization of Patrol Division resources and redirecting personnel as needed to include cross-district dispatching of resources;
(h). Maintaining the continuance of routine police services during emergencies;
(i). Handling of all personnel matters requiring immediate attention;
(j). Keeping the district commanders informed of problems, needs and progress; and
(k). Coordinating information exchange with media in the absence of the P.I.O.
Radio & Mobile Data System (MDS) Use

448.1 POLICY
Members will comply with all appropriate Federal, State and Department rules and regulations regarding the transmission and receipt of any information whether confidential or not, via radio or Mobile Data System (MDS). Members shall utilize the radio and MDS in a professional manner and for Department business purposes only.

448.1.1 PURPOSE AND SCOPE
The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies.

The MDS accesses confidential records from various databases through Department’s ECOMM System.

448.2 FCC COMPLIANCE
Fresno Police Department radio operations and MDS use shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

448.3 OPERATIONAL READINESS
All members assigned/issued portable radios are responsible for their security and maintenance. Members shall maintain all portable radios in a state of operational readiness.

448.4 MDS USE
The MDS shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or critical of any member of the Department are strictly forbidden. Supervisors at anytime without prior notification may review messages.

448.4.1 DATABASE INQUIRIES
Whenever possible, an MDS will be used to conduct inquiries into CLETS, RMS, and other databases which are accessible from an MDS.

448.4.2 USE WHILE DRIVING
Members shall not attempt to enter data into an MDS, nor shall they direct their attention to the contents of the MDS screen until it is safe to do so.

448.5 RADIO USE
Members who are on duty and in the field shall monitor their radios at all times and shall promptly answer when called.

Exception: When dictating reports or interviewing victims, members may turn their radio off after advising the dispatcher they will be off the air.
448.5.1 FAILURE TO ACKNOWLEDGE

A member's supervisor shall investigate the non-response and any reasons for it and shall take appropriate corrective action.
450.1 POLICY
Officers who have been issued the AXON body worn video camera system shall wear it at all times the officer may become involved in an enforcement situation.

450.1.1 PURPOSE AND SCOPE
The Fresno Police Department recognizes that video recording of contacts between Department personnel and the public provides an objective record of these events and that the use of a recording system complements field personnel in the performance of their duties by providing a video record of enforcement and investigative field contacts which can enhance criminal prosecutions and limit civil liability. A video recording of an event or contact also enables the delivery of timely, relevant and appropriate training to maximize safety for FPD personnel and improve the delivery of police services to the community. While recordings obtained from video recorders provide an objective record of events, it is understood that video recordings do not necessarily reflect the experience or state of mind of the individual member(s) in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved member. Specifically, it is understood that the recording device will capture information that may not have been heard and/or observed by the involved member and that the involved member may see and hear information that may not be captured on video.

This policy establishes guidelines for Department members using body worn cameras and the preservation of related digital evidence.

450.2 TERMINOLOGY
- AXON Flex Controller - Enables control of the AXON camera through simple commands to place the camera in the various operational modes;
- AXON Mobile Application – A mobile application installed on Department issued tablets that allow officers to view, but not alter, video recordings captured by the AXON camera. The application also allows officers to attach meta-data such as a video title, incident case number and a video retention category to the video file;
- Evidence Transfer Manager (ETM) - A docking station which simultaneously recharges the AXON Controller and uploads all data captured on the AXON Camera to ;
- Normal (Buffering) Mode - The mode of operation in which the AXON camera continuously loops video without an audio component for 30 seconds;
- Event Mode - The mode of operation in which the AXON camera captures the buffered video and is actively recording both audio and video. When the AXON is switched to event mode, it will automatically record the previous 30 seconds of video (without audio);
- AXON System Administrator (IA Commander) – Oversees and manages administrative issues related to AXON camera systems;
- AXON System Coordinator (appointed by Chief of Police) – Responsible for video camera equipment, video storage, and training related to accounts and AXON cameras.

450.3 VIDEO RECORDING
The Fresno Police Department recognizes that video and audio recording of contacts between Department personnel and the public provides an objective record of these events and that the use of a recording system complements field personnel in the performance of their duties by providing a video record of enforcement and investigative field contacts which can enhance criminal prosecutions and limit civil liability. An audio/video recording of any event or contact also enables the delivery of timely, relevant and appropriate training to maximize safety for FPD personnel and improve the delivery of police services to the community.
While recordings obtained from video recorders provide an objective record of events, it is understood that video recordings do not necessarily reflect the experience or state of mind of the individual member(s) in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved member. Specifically, it is understood that the recording device will capture information that may not have been heard and/or observed by the involved member and that the involved member may see and hear information that may not be captured on video.

All video recordings made while working as an employee of the Fresno Police Department in any capacity are property of the Department and subject to review by the Department and its agents. Personally owned video recording devices are prohibited.

450.4 GUIDELINES FOR CAMERA ACTIVATION – Officers shall record interactions including, but not limited to, the following:

(a) Arrests and detentions, or situations where an officer reasonably believes they will effect an arrest or detention (to include traffic stops and consensual encounters made with the intent to develop reasonable suspicion to detain);
(b) Officers assisting in an arrest or detention situation;
(c) Confrontational interactions with citizens;
(d) Vehicle and foot pursuits;
(e) Forced entries, search warrants and warrantless searches (including vehicles);

1. When entry is made with or without a warrant, all officers should activate their cameras prior to making entry and continue recording until the scene has been secured. Once the location is secure, and no other circumstances warrant recording, officers may deactivate their cameras.
(f) Suspect interrogations (including Miranda advisement) and generally, interviews of victims and witnesses.

Officers shall activate their camera system as soon as practical upon encountering the above types of events. When an officer is dispatched to a zero or one priority call, they should activate their camera upon arrival before exiting their vehicle. When an officer is unable to activate their camera at the beginning of the event or contact and a case number is drawn, they shall document the reason in their police report. The documentation should also explain the reason the camera was activated at the time it was.

At no time should an officer jeopardize his/her safety, or the safety of any other officer, in order to activate a recording device. Officers may use discretion when deciding whether or not to advise a citizen he or she is being recorded. Generally, officers should not cease recording solely based on the request or demand of a citizen (refer to section 450.14 below).

450.5 INFORMAL COMMUNITY INTERACTIONS (Public Encounters) – Informal community interactions differ from “consensual encounters” officers may make in an effort to develop reasonable suspicion to detain or probable cause for arrest. To strengthen relationships between police and citizens, officers may use discretion regarding the recording of informal, non-enforcement related interactions with members of the community. In the event a public encounter becomes adversarial, officers should activate their recorders without compromising their safety or the safety of others.

450.6 VICTIMS AND WITNESSES – Officers should generally record interviews of crime victims and witnesses. Officers have no obligation to advise a victim or witness that he or she is being recorded, but may do so at their discretion.

When a victim or witness requests they not be recorded, officers may consider their request (See section 450.18 for provisions of Penal Code §632). In cases where a victim or witness requests they not be recorded, and the officer agrees not to record, officers should record their request prior to turning the camera off. When an officer is already recording, he/she shall record their explanation for turning the camera off prior to doing so.
• **Witnesses** - In the event a crime witness or a member of the community wishes to report or discuss criminal activity anonymously, officers have the discretion to not record.

• **Victims** - Officers should record interviews of crime victims, unless otherwise requested by the victim. Upon request by the victim, officers have the discretion to not record the interview. Officers may offer to avert their camera to capture only audio during the interview, when doing so would facilitate obtaining the victim’s recorded statement.
  - **Domestic Violence Victims** – Officers should record interviews of domestic violence victims to facilitate future prosecution efforts and discourage later recanting of statements. Officers should also record interviews with children who witness domestic violence.
  - **Child Abuse and Sexual Assault Victims** – Officers should make every effort to record interviews of all victims regardless of age.

Video recording of individuals who are picketing, engaged in peaceful protest or First Amendment protected speech will be avoided unless the officer believes a violation of criminal law is occurring, may occur, or if the officer interacts with a participant or third party to the event.

### 450.7 PROHIBITED RECORDINGS

AXON Cameras shall not be used to record non-work related personal activity. AXON recorders will not be activated in places where a reasonable expectation of privacy exists, such as workplace locker rooms, dressing rooms, or restrooms. No type of recording device may be intentionally activated to record the conversations of fellow employees or superiors without their knowledge. In addition:

- Officers should not record undercover officers or confidential informants, absent supervisor approval under limited circumstances.
- When possible, officers should avoid recording exposed private areas of the body.
- Officers shall not record patients during any medical or psychological evaluation or treatment by a health professional.
- While inside a medical or psychological facility, officers should not record persons other than the intended subject.

Recordings shall not be used for the purpose of ridiculing or embarrassing any employee.

Employees shall not obtain or convert any recordings obtained during the course and scope of their duties for personal use. The following are specifically prohibited:

- Personal copies of official recordings;
- Re-recording of videos with other devices;
- Posting of official video and/or audio to any non-Department sponsored social networking or other web sites;
- Posting of AXON recordings on any Department sponsored site without express permission from the Chief of Police or his designee (any video posted on a Department sponsored social media or other web site will thereafter be considered public information).

Video files shall not be transmitted, shared or transferred via e-mail (or by any other electronic process) except for official purposes and by personnel who have been authorized by the system administrator.

### 450.8 OPERATING PROCEDURES

When issuing cameras, priority will be given to uniform patrol officers and patrol related units such as SRO’s, and Tactical Units. Officers who have been issued the AXON camera shall wear it at all times the officer may become involved in an enforcement situation. Officers shall position the camera to facilitate optimum recording field of view. Cameras may only be worn on the shoulder, head or collar with Department authorized mounting systems. Camera mounts have a ratcheting function and can move out of place. Officers should check the position of the camera mount as needed during each shift to ensure the camera position is maintained to facilitate optimum recording.

Only officers who have completed approved training will be allowed to operate AXON cameras. Officers will inspect the AXON system for any physical damage and to ensure the device is in working order at
the beginning of their shift. Any malfunctions, missing equipment or damage shall be immediately reported to their supervisor and via email to the body camera unit before the end of shift.

Officers shall log into their accounts on a weekly basis and run a search of their own videos to check for any needed ID’s and Categories. It is the responsibility of the officer to ensure their videos are properly identified so they can be located for submission to the District Attorney’s Office or other authorized search.

If the AXON camera is in use during an enforcement situation and it becomes necessary to discuss issues or concerns with another officer or supervisor in private, the AXON may be turned off. The intention to stop the recording will be noted by the officer verbally before switching the device off. When the private conversation has ended, the AXON camera recording may resume.

In general, once the AXON recorder is activated, officers should continue recording until the incident has concluded, recording is no longer relevant, or there is no apparent value in continuing to record.

Should an arrestee indicate they want to complain about an officers actions, claim injury or become confrontational during transport, during processing or booking, officers shall reactivate their camera, if they are able to do so without compromising their safety or the safety of others. When an officer resumes recording under these circumstances, the recorder should remain on until the officer no longer has contact with the subject.

450.9 DOCUMENTATION OF RECORDINGS
Recordings uploaded the system will be individually identified by an ID (mandatory), Category (mandatory), and Title (optional). This identifying information may be entered utilizing a Department issued tablet or desktop computer.

**ID Description Box**
In the following order, a case number, citation number or event number, when issued, shall be used to identify the recording by placing this information in the ID description box. When the previous three do not apply, the officer may utilize a custom ID.

*Note:* Within the system, ID refers to the incident related number, not the officers badge number.

**Category**
In addition to attaching an event or case number to recordings, officers must assign a video Category to facilitate proper retention of the video. Categories are selected based on the statutory retention requirements for the incident, and range from one year to an indefinite period of time.

**Title Description Box**
Officers may provide a Title to facilitate simplified searching of files [i.e. – by location (First and Tulare) or by subject (arrest of suspect John Doe), etc.].

*Note:* When no title is entered, the system automatically generates the title as the date and time of the recording.

**Documentation**
Officers shall check the appropriate box on the RPW “case factor” page to indicate a recording related to the incident was uploaded to the system. Officers should also document in the disposition section of their written reports what that a recording was made. AXON recordings will not be used in lieu of Crime Scene Investigation Bureau photographic or video-graphic documentation.

450.10 REVIEW AND USE OF RECORDINGS
Officers should review recordings to assist with their investigation, prior to the completion of their report. Recorded statements shall be summarized and documented within the narrative of the applicable report. Only official Department devices should be used to review AXON recordings.
Once uploaded to the system, sworn personnel may view their own recordings by logging onto and documenting the reason for access in the “NOTES” section (e.g. noting specific time markers, reviewing for court, reviewing for report, etc.).

450.11 CRITICAL INCIDENTS
The Fresno Police Department acknowledges that recordings taken during critical incidents obtained from video recorders do not necessarily reflect the full extent of the nature of the event or the experience, analysis, training, threat assessment or state of mind of the individual officers(s) in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved officer. Specifically, it is understood that the recording device will capture information that may not have been heard and/or observed by the involved officer and that officers may see and hear events that are not captured by the camera.

Officers involved in critical incidents shall notify the responding supervisor of any related recordings. In the event a critical incident is recorded and immediate retrieval of a recording is required, a supervisor shall secure the recording device as soon as possible and maintain chain of custody. The detectives investigating the case shall coordinate the download or electronic transfer, minimizing those involved with the chain of custody.

Officers, either as a subject or witness, who are involved in any significant use of force incident or collision causing injuries will be permitted to review their recordings prior to providing a statement or written report.

450.12 CIRCUMSTANCES FOR ADMINISTRATIVE REVIEW
AXON recordings will be administratively reviewed and may be used during investigations related to use of force, officer involved shootings, complaints and pursuits.

When recordings are administratively reviewed, use of profanity by officers will be considered within the overall context of the incident, as well as accepted training and practices. However, officers remain prohibited from engaging in discourteous, disrespectful or discriminatory treatment of the public per Policy 341- Performance Standards.

Use in Training
Any video used for official training purposes requires approval by the Chief or designee. In no event will video recordings be used for training, or be otherwise used or shown, if it would result in ridicule or embarrassment of an officer(s), except when required as part of a formal investigation or legal proceeding. In the event that videos are intended to be used for training purposes, the involved officer(s) will first be consulted. If he/she objects to the use of the video, such objection shall be submitted to the Training Section Commander. The Training Section Commander shall weigh the value of the video for training against the officer(s) objections and basis for the objection. When the Training Section Commander refuses to grant the request of the involved officer(s), the matter shall be heard by the Chief of Police or designee, prior to utilizing the video.

Field Debriefings
Supervisors intending to use a recording as part of an informal debriefing or critique session shall first consult with the recorded officer(s). When the officer(s) objects to use of the recording under these circumstances, it will not be used or shown.

450.13 REQUEST FOR DELETION OF ACCIDENTAL AXON RECORDING
In the event of an accidental or sensitive personal recording using the AXON system, where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the file be deleted by submitting an email request to the Department’s body camera unit coordinator. The system coordinator will send authorized deletion requests to the system administrator. The administrator will review the file and recommend approval or denial of the request. In cases where the administrator denies the request to delete, an appeal may be submitted to the Chief of Police, or designee, for deletion authorization. In all cases of deletion requests, a determination should be made
within 7 calendar days. If approved, the request is then forwarded to the equipment manufacturer to be completed, as the department does not have the capability to delete videos.

450.14 UPLOADING TO
At the end of their shift, officers shall place the AXON Flex Camera and AXON Flex Controller into the designated docking station for charging and uploading of recordings. Officers shall not remove the camera and related equipment from the docking station until the video files are completely uploaded and battery fully charged.

Exception: K9 units and Traffic Bureau units who ride a motorcycle to a log off location other than a substation are not required to place their camera and controller into a docking station for charging and uploading prior to the end of their shift. When possible, members should upload their evidence when report writing and during briefing. Videos recorded that are infractions or misdemeanors may be retained on the camera and uploaded during the next shift. This exception does not apply to felony arrests or members going on vacation or extended days off. Video(s) related to any felony arrests must be uploaded at or before the end of the same work shift.

450.15 SYSTEM ADMINISTRATOR AND COORDINATOR
The system administrator will be the Internal Affairs Commander. A sergeant will be assigned to report to the system administrator as the system coordinator. The system administrator and coordinator have oversight responsibilities including, but not limited to, the following:

- Ensure the system is operational and functioning properly;
- Ensure files are maintained in accordance with the Department’s retention schedule;
- Operation and user administration of the AXON system and ;
- Ongoing System evaluation;
- Ongoing review of related Department policies and procedures;
- Assessment and recommendations for modification of policies, procedures and practices associated with video recording;
- Training; and
- Coordination with IT regarding system related issues.

On an annual basis, or as needed, the system administrator and coordinator will meet with FPOA leadership, and the Chief of Police or designee, to evaluate the effectiveness of Department recording procedures and equipment.

450.16 RELEASE OF OFFICIAL VIDEO TO THIRD PARTIES
Video captured by the AXON camera is evidence. The release of video captured by the AXON camera to any third party will be processed in a manner consistent with Penal Code 450.15, Penal Code 841.5, Government Code 6275-6276.48, applicable law, current discovery request practices and the provisions of Policy §810. In general, video captured by the AXON camera shall not be released to third parties unless expressly authorized by the Chief of Police, or designee. In rare circumstances, the Chief of Police may elect to release video when the public interest served by the disclosure of the video outweighs the public interest served by the non-disclosure of the video.

When considering whether disclosure is warranted, the Chief of Police should also consider the privacy rights and impacts of the disclosure on the involved individual member(s). Should the Chief of Police determine that disclosure is necessary, he/she should provide as much advance notice as practical to those involved member(s).

When criminal charges are being sought in a case, all related recordings will be provided to the District Attorney’s (DA’s) office.
450.17 AUDIT RESPONSIBILITIES
The system coordinator will conduct periodic, random audits to ensure the AXON camera system is operating properly and the camera is being utilized in accordance with this policy. An FPOA representative may be appointed to monitor such random audits.

Minor infractions regarding the use of AXON cameras and related equipment should be viewed as training opportunities rather than a means to take disciplinary action.

450.18 KNOWLEDGE OF RECORDING
PC §632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential, however PC §633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

Any sworn member may surreptitiously record conversations during the normal course of duty for a criminal investigation in which the sworn member reasonably believes that such a recording will be beneficial to the investigation.

(a) Any sworn member contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other sworn members conducted solely for administrative purposes.

(b) Any individual contacted by a sworn Department member wearing a conspicuously mounted recording device will be deemed to have knowledge that such a contact is being recorded.

450.19 DETECTIVE RESPONSIBILITIES
Detectives will be provided an account so that they may access recordings related to their specific investigations. Detective responsibilities include, but are not limited to the following:

- When criminal charges are being filed in a case and related AXON recording(s) exist, the follow-up detective should review the recording(s) prior to providing them to the DA’s office.
  - All recordings related to a case must be submitted to the DA’s office for filing, regardless of apparent relevance.
- When a detective determines the recording is likely to have evidentiary value to either the prosecution or defense in a specific case, he/she shall ensure the recording is properly classified for retention in compliance with procedure.
- The detective will ensure the recording(s) are submitted to the DA’s office.
- When the recording is of no evidentiary value, it shall be retained pursuant to the Department’s video retention schedule.
- When the status of a case changes, detectives will review and extend retention categories as needed to match retention required by the court.
- When reviewing videos, make an entry in the NOTES section documenting the reason for his/her review.
- When an officer is directly involved in a critical incident, a detective or assigned officer will secure the officer’s camera from the supervisor on scene, take it to a docking location, and upload the video from the camera. They will write a supplemental report documenting their actions. Once a camera has been uploaded, it retains no information and is then returned to the officer.
451.1 POLICY
Allowed use of any audio/video recording device by members of this Department will be limited to an official law enforcement purpose only and not to surreptitiously record any conversation between members.

451.1.1 PURPOSE AND SCOPE
The Fresno Police Department has allowed its members to carry audio recording devices while on-duty. These devices include but are not limited to audio recorders (e.g. micro cassettes, standard cassettes, digital recorders, etc.) Their allowed use is intended to assist members in the performance of their duties. Members may only utilize Department approved video equipment to record interviews/interrogations.

451.2 RECORDING
Officers are prohibited from utilizing Department issued audio recorders for personal use. Personally owned video recording devices are also prohibited. Members will notify their supervisors of the existence of an audio recorder and shall make the recordings and/or recording device available upon supervisor request.

All audio recordings made while working as an employee of the Fresno Police Department in any capacity are property of the Department and subject to review by the Department and its agents. Recordings shall not be used for the purpose of ridiculing or embarrassing any employee.

Employees shall not obtain or convert any recordings obtained during the course and scope of their duties for personal use. The following are specifically prohibited:
- Personal copies of official recordings;
- Re-recording of official audio and/or video files with personal devices;
- Posting of official audio and/or video to any non-Department sponsored social networking or other web site; and
- Posting of audio/video file recordings on any Department sponsored site without express permission from the Chief of Police or his designee. (Note: Any audio/video file posted on a Department sponsored social media or other web site will thereafter be considered public information.)

451.3 ACTIVATION OF THE AUDIO RECORDER
Officers are encouraged to activate their recorders at any time that the officer reasonably believes that a recording of an on-duty contact with a member of the public may be of future benefit. However, at no time should an officer jeopardize his/her safety, or the safety of any other officer, to activate a recorder or change the recording media.

451.4 KNOWLEDGE OF RECORDING
PC §632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential, however PC §633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

Any sworn member of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation.

Effective Date: 02/11/2016
(a) Any sworn member contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other sworn members conducted solely for administrative purposes.

(b) Any individual contacted by a sworn Department member wearing a conspicuously mounted audio recording device will be deemed to have knowledge that such a contact is being recorded.

(c) No member of the Department may surreptitiously record a conversation of any other member of the Department without the expressed knowledge and consent of all parties. Nothing in this section is intended to interfere with an officer’s right to openly record any interrogation pursuant to Government Code §3303(g).

451.5 REVIEW AND RELEASE OF RECORDINGS
Recorded files may be reviewed in any of the following situations:

(a) By a supervisor investigating a specific act of officer conduct;

(b) Upon approval by a supervisor, any member of the Department who is participating in an official investigation such as a personnel complaint, administrative investigation or criminal investigation;

(c) By the member who originally recorded the incident; and

(d) Pursuant to lawful process or by court personnel otherwise authorized to review evidence in a related case.

The release of audio/video files captured by a member during the course of their duties to any third party will be processed in a manner consistent with applicable law, current discovery request practices and the provisions of Policy §810. When criminal charges are being sought in a case, all recordings related to the criminal investigation will be provided to the District Attorney’s office.

451.6 ISSUANCE OF DIGITAL RECORDERS
Digital recorders shall be issued to K-9 officers and field supervisors whose assigned members have frequent public contact. Digital recorders may be issued to detectives upon their request for use during investigations. Digital recorders shall be personally assigned to K-9 officers, supervisors, and detectives through the Equipment and Supply Unit (ESU).
Medical Marijuana

452.1 POLICY
Officers will use discretion and the guidelines provided by the Department to distinguish between claims of medical and criminal use of marijuana, as provided for in California’s Compassionate Use Act (Health & Safety Code § 11362.5).

452.1.1 PURPOSE AND SCOPE
To provide guidelines for handling incidents where the claim of medical marijuana is present.

452.2 ENFORCEMENT
Although federal law does not currently permit possession of marijuana for medical use, California has created a limited defense for certain qualified individuals possessing small quantities of marijuana for medical use under strict conditions.

(a) California does not provide any exception for individuals driving under the influence of marijuana and all such cases should be handled with appropriate enforcement action (e.g., Vehicle Code § 23152, et seq.).

(b) Possession, cultivation and sales of marijuana in quantities beyond that which might reasonably be construed for personal use should be handled as criminal cases with appropriate enforcement action taken pursuant to Health & Safety Code § 11357, 11358 and 11359.

1. Unless a doctor has expressly prescribed a greater amount, no qualified patient or primary caregiver may possess more than eight ounces of dried marijuana per individual Health & Safety Code § 11362.77(a).

2. A qualified patient or primary caregiver may also maintain no more than six mature or 12 immature marijuana plants per individual.

452.3 MEDICINAL USE CLAIMS
In order to qualify for a medicinal marijuana defense, the individual(s) making such a claim must affirmatively establish the following information. If the individual(s) cannot or will not provide all of the required information, the officer should note such in any related report and proceed with appropriate enforcement action.

452.3.1 PATIENTS
(a) An individual may establish his/her status as a qualified patient by presenting a current and valid identification card issued by the Department of Health (Health & Safety Code § 11362.735). Such identification cards shall contain the following information:

1. A unique serial number;

2. An expiration date;

3. The name and telephone number of the county health department approving the application;

4. A 24-hour toll-free number for law enforcement to verify the validity of the card; and

5. A photograph of the cardholder;
Medical Marijuana

No officer shall refuse to accept a properly issued identification card unless the officer has reasonable cause to believe that the information contained in the card is false or that the card is being used fraudulently (Health & Safety Code § 11362.78).

(b) If the individual does not possess a valid identification card, the individual claiming status as a "qualified patient" must minimally provide the following information:

1. Satisfactory identification establishing current residency in California;
2. A current and valid recommendation for marijuana from a California licensed physician; and
3. In the absence of a valid identification card, the handling officer should also obtain a written waiver from the involved individual(s) authorizing the release of all related medical records.

452.3.2 PRIMARY CAREGIVERS
A primary caregiver is not authorized to use, sell, or possess marijuana for sale.

(a) Must provide sufficient proof that he/she is responsible for the patient's housing, health and/or safety.

(b) Must provide sufficient proof of personal knowledge of the patient's medical needs and the details of the attending physician's recommendation.

452.3.3 RETURN OF MARIJUANA
Regardless of the prosecution status or disposition of any related criminal case, this Department will not be responsible for the return of any marijuana seized as evidence unless presented with a valid court order requiring same. (Health & Safety Code § 11362.785(d))
453.1 POLICY
The policy of the Fresno 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.

453.1.1 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.

453.2 ADMINISTRATION
The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Fresno 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.

453.3 DATA COLLECTION AND RETENTION
All ALPR data captured using department-owned ALPR cameras should be stored for a minimum of one year (Government Code §34090.6), in accordance with the established records retention schedule. Thereafter, department-owned 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. Retention periods for ALPR data collected by commercial providers and/or other law enforcement agencies and made available to this department are set by those providers.

453.4 ACCOUNTABILITY
All data will be closely safeguarded and protected by both procedural and technological means. The Fresno Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code §1798.90.51; Civil Code §1798.90.53):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code §1798.90.52);

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action; and

(c) ALPR system audits should be conducted on a regular basis.

453.5 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.

453.6 TRAINING
The Crime Center Commander should ensure that members receive department-approved training for those authorized to use or access the system (Civil Code §1798.90.51; Civil Code §1798.90.53).
455 POLICY
It is the policy of the Fresno Police Department to treat all individuals with dignity, respect, and professionalism. Members shall at all times abide by the Fresno Police Department’s policy on respectful treatment, as well as the City of Fresno’s policies and/or guidelines that prevent gender identity discrimination when interacting with transgender individuals.

455.1.1 PURPOSE AND SCOPE
This policy establishes a procedure for handling interactions with transgender people.

455.2 DEFINITIONS
Adopted Name: Non-birth name that a transgender individual uses in self-reference (this may or may not be the individual’s legal name).

Gender Expression: A person’s gender-related appearance or behavior (e.g. clothing, makeup, voice, etc.), whether or not stereotypically associated with the person’s sex at birth.

Gender Identity: A person’s innermost concept of self as male or female or both or neither – how individuals perceive themselves and what they call themselves. One’s gender identity can be the same or different than the sex assigned at birth.

Transgender: A person whose gender identity differs from the person’s sex assigned at birth. A transgender person may or may not have a gender expression different from social expectations of the sex assigned at birth and may or may not identify as transsexual.

Transgender Man: A person who has transitioned or is in the process of transitioning from female to male, meaning a person who was assigned female at birth, but identifies and lives as male or as a man. A female-to-male individual should be addressed using masculine pronouns (i.e. he, him, his), regardless of surgical status.

Transgender Woman: A person who has transitioned or is in the process of transitioning from male to female, meaning a person who was assigned male at birth, but identifies and lives as female or as a woman. A male-to-female individual should be addressed using feminine pronouns (i.e. she, her, hers), regardless of surgical status.

455.3 INTERACTIONS WITH TRANSGENDER PEOPLE
Members are to interact with transgender people and the transgender community in a manner that is professional, respectful, and courteous.

Members shall:
• Respectfully treat individuals in a manner appropriate to the individual’s gender, or gender identity/expression;
• Use pronouns as requested by the individual (e.g. “she, her, hers” for an individual who self-identifies as a female; “he, him, his” for an individual who self-identifies as a male); and

NOTE: If members are uncertain by which gender the individual wishes to be addressed, they will respectfully ask the individual for clarification [e.g. “Do you prefer to be referred to as ‘she’ or ‘he’?” Or simply ask, “What are your pronouns?”]
When requested, address the individual by the name based on their gender identity rather than that which is on their government-issued identification.

455.4 PROTECTION OF PRIVACY
An officer shall not disclose an individual’s gender identity or sexual orientation to other arrestees, members of the public, or other governmental personnel, absent a proper law enforcement purpose. Members shall not disclose this information to the media without supervisor approval. If an officer does disclose such information as described, that officer shall provide a compelling, professional, and articulable reason for having done so.
Chapter 5 • Traffic Operations
500.1 POLICY
This Department will focus 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 and public safety.

500.1.1 PURPOSE AND SCOPE
The ultimate goal of traffic enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as reactive assignment of personnel and equipment and the establishment of proactive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, traffic conditions and officer observations.

(a) 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.
(b) All officers will take directed enforcement action on request, and random enforcement action when appropriate.
(c) All officers shall maintain high visibility while working routine enforcement, especially at high accident locations.
(d) Other factors to be considered for deployment are citizen requests, construction zones, special events, etc.

500.2 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. Traffic and vehicle stops should be performed in a uniformed manner as established in the Police Training Program and outlined within the Procedure Manual.

Several methods are effective in the reduction of collisions:

500.2.1 WARNINGS
Warnings are non-punitive enforcement actions that may be considered and substituted for arrests or citations when circumstances warrant.

500.2.2 CITATIONS
Citations may be issued when an officer believes they are appropriate.

Officers should provide the following information to violators at a minimum:
(a) Explanation of the violation or charge;
(b) Court appearance procedure including the optional or mandatory appearance by the motorist; and
(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

When no citation is issued to the violator, a Department business card shall be provided.

Exception: When an officer contacts a traffic violator driving on a suspended or revoked license, the officer shall issue a traffic citation pursuant to Vehicle Code §14601.

500.2.3 PHYSICAL ARREST

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Supersedes Order(s): Policy 500
Previously Issued: 04/01/2008

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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; * and
(e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances.

* The officer shall notify a supervisor when a subject is taken into physical arrest.

**500.3 DIRECTING TRAFFIC**

**500.3.1 RELECTORIZED VEST**

Anytime a member is on a roadway (day or night) directing traffic, investigating an accident, or at the scene of a disaster, they shall wear a Department authorized reflective vest.

An operable flashlight is required for directing traffic during inclement weather and during hours of darkness.
Traffic Collision Reporting

502.1 POLICY
Members involved in the handling of traffic related collisions will follow the guidelines of this policy and utilize the California Highway Patrol Collision Investigation Manual (CIM) as the primary guide for documentation of their investigations.

502.1.1 PURPOSE AND SCOPE
Members will prepare traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service make traffic collision reports available to the community (with some exceptions).

502.2 RESPONSIBILITY
The Traffic Bureau Commander will be responsible for distribution of the CIM. The Traffic Bureau Commander will receive all changes in the CIM.

502.3 PROTECTION OF THE SCENE
Members shall see to the protection of involved vehicles, personal property, and other traffic at the collision scene. As soon as practical, members shall remove damaged vehicles and debris from the roadway and restore the flow of traffic.

Exceptions: Members shall take every precaution to preserve any and all evidence at the scene of a major injury or fatal collision until it is determined that it is no longer necessary to do so.

502.4 HAZARDOUS MATERIALS SPILLS
See Policy Manual § 412.

502.5 PROPERTY DAMAGE COLLISIONS
Members responding to the scene of a collision resulting in property damage only (including vehicle damage) shall ensure that involved parties comply with the notification requirements of Vehicle Code § 20002. No report is required for collisions producing property damage only unless it is a City owned vehicle or other violations are present requiring documentation. (e.g., DUI, VC § 14601, etc.)

502.6 PRIVATE PROPERTY COLLISIONS
In compliance with the CIM, 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.

502.7 FATALITIES
When there is any question as to death, medical aid shall be requested and appropriate first aid rendered. Deceased persons shall be covered from public view whenever possible.
Traffic Collision Reporting

502.8  COLLISION RECONSTRUCTION UNIT (CRU) RESPONSE
A CRU member will be available on a call-out basis to provide collision analysis expertise as needed during major collision investigations.

502.9  RESPONSE TO DISTURBANCES AT TRAFFIC COLLISIONS
When members are dispatched to traffic collisions and receive information of a disturbance or fight occurring at the collision scene, members shall follow the Departmental guidelines regarding authorized code three responses.

Exception: CSO’s are not authorized to respond code three. When a CSO is dispatched to a traffic collision involving a disturbance or fight, they shall request that a sworn member respond until the scene is stabilized.
510.1 POLICY
Members will tow and store vehicles only within established procedures of this Department, consistent with state laws. The sole goal of impounding a vehicle is to improve public safety and shall not be done for any other reason. A vehicle shall never be impounded solely for the purpose of generating revenue, or as a means of retribution against the violator.

510.1.1 PURPOSE AND SCOPE
This purpose of this policy is to assure the safety of the public and the protection of private property in accordance with the Community Care Doctrine.

510.2 DEFINITIONS
Owner’s Preference Tow – A specific tow company requested by the driver/owner of a vehicle needing to be towed. If not available, an "Owner’s no-preference" tow will be substituted. Owner’s preference and owner’s no-preference tows shall not be used for impounds and do not require a CHP 180 Form.

Owners No-Preference Tow – An owner’s request to use one of the Department’s contracted tow companies in non-enforcement impound situations. Owner’s no-preference tow requests do not require a CHP 180 Form.

Storage – A non-enforcement tow, generally considered a courtesy to the public. Storage does not require a CHP 180 Form, the registered owner or legal owner to pay any City Administrative Fees, but will require the payment of tow charges.

Impound – A member has a legal authority to cause the removal of a vehicle by one of the Department’s contracted tow companies. Impounds are considered an enforcement action and will require the completion of a CHP 180 Form, the registered owner or legal owner to pay City Administrative Fees, and pay all tow charges.

510.3 TOWING SERVICES
The City of Fresno contracts with established tow companies to tow vehicles for the Department. The Chief of Police or his/her designee retains sole discretion in determining the selection of and total number of companies authorized to tow vehicles for the Department. The following circumstances may result in the non-renewal of a Tow Services Agreement (TSA) between the Department and Tow Operators:
   (a) Repeated citizen complaints;
   (b) Violations of the TSA;
   (c) Violations of the FMC or any other governing statutes; or
   (d) For any other reason not specified herein.

The contracted tow companies will be used in, but not limited to, the following situations:
   (a) When the driver is unlicensed, suspended, or revoked, or arrested/cited;
   (b) When vehicles are disabled due to mechanical failure or as a result of a collision and are blocking any portion of the roadway;
   (c) When a vehicle is being held as evidence in connection with an investigation;
   (d) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action;
   (e) When a vehicle has expired registration over six months being operated on a highway; or
(f) When it is otherwise necessary to store/impound a vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulation.

510.4 VEHICLE SEARCHES
Vehicles may be searched when one or more of the following conditions are met:
(a) When probable cause to search the vehicle exists.
(b) With consent of the operator.
(c) Incident to an arrest of the occupants of the vehicle.
(d) To search for weapons.
(e) When necessary to examine the vehicle identification number or to determine the ownership of the vehicle.
(f) Under emergency circumstances not otherwise enumerated above.
(g) Pursuant to a valid search warrant.

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 driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.
512.1 POLICY
The Department will provide the vehicle's registered and legal owners of record, or their agents, with the opportunity for a post-storage hearing to determine if a stored or impounded vehicle meets the criteria for an early release pursuant to Vehicle Code §22852. All requests for a full or partial refund of vehicle impound and tow fees shall be processed by the City of Fresno Risk Management Division.

Under certain circumstances, the City Manager has granted the Fresno Police Department the authority to provide an immediate refund to the registered or legal owner of an improperly towed vehicle. These situations are limited to vehicles that have been clearly towed in error. This request for refund will be forwarded by the Traffic Bureau Commander to the Division Commander in memo form. Upon approval, the Fresno Police Department’s Fiscal Affairs Bureau will be instructed to process a refund. When contacted by the Tow Coordinator, the registered or legal owner shall respond to the Traffic Bureau to receive the refund and complete a release of liability form. The Tow Coordinator will maintain a file of all refund requests along with the release of liability form.

512.1.1 PURPOSE AND SCOPE
The vehicle storage hearing is an informal process to evaluate if a stored or impounded vehicle meets the criteria for an early release.

512.2 STORED OR IMPOUND HEARING
When a vehicle is stored or impounded by any member of the Fresno Police Department, the registered owner or legal owner may request a hearing.

The "Tow Coordinator" will contact the requesting party within 48 hours, (excluding weekends and holidays), to arrange for an appointment for a hearing.

512.3 HEARING PROCEDURES
The Tow Coordinator will usually serve as the "Hearing Officer".

Any relevant evidence may be submitted for review by the Hearing Officer to determine if the vehicle in question meets the criteria for an early release.

The member 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 must be submitted in person, writing, or by telephone within ten days of the date appearing on the notice.

The person requesting the hearing may record the hearing at his/her own expense.

The Hearing Officer will consider all information provided, Vehicle Code §§14602.6(a) and 23109.2, and then render a decision as to the number of days of storage.

512.4 HEARING RESULTS
512.4.1 WITHIN POLICY AND LAW
If a decision is made that the vehicle was stored or impounded within the law and Department policy, the Hearing Officer will:

(a) Advise the requesting party of the hearing results; and
(b) Advise he/she may file a claim with the City’s Risk Management Division if he/she desires.
512.4.2 VEHICLES MEETING EARLY RELEASE CRITERIA
When the vehicle in question qualifies for early release, as set forth in the Vehicle Code, the Hearing Officer will require that the vehicle in storage be released immediately once applicable fees are paid.

512.5 ADMINISTRATIVE AND IMPOUND FEES
Administrative impound fees and tow fees are to be paid prior to the release of a stored or impounded vehicle.
514.1 POLICY
The Fresno Police Department is committed to traffic safety through strict enforcement of all laws related to driving under the influence (DUI). Investigations of all DUI incidents will be investigated in accordance with established procedures.

514.1.1 PURPOSE AND SCOPE
This policy explains the procedures to be followed while collecting evidence to establish the blood alcohol level of drivers arrested for driving while intoxicated, unconscious drivers, and unconscious pedestrians involved in traffic collisions because of their intoxicated state.

514.2 ARREST AND INVESTIGATION
514.2.1 INVESTIGATIONS
All officers are expected to enforce DUI laws with due diligence.

514.2.2 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 when the officer has reasonable cause to believe the person has been driving under the influence of an alcoholic beverage, any drug, or the combined influence of the same when (Vehicle Code §40300.5):
   (a) The person is involved in a traffic accident;
   (b) The person is observed in or about a vehicle that is obstructing the roadway;
   (c) The person will not be apprehended unless immediately arrested;
   (d) The person may cause injury to him/herself or damage property unless immediately arrested; or
   (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

514.3 NON-COLLISION RELATED
An arrest for DUI shall be made on a roadway or on private property when:
   • An officer witnesses a person commit the elements of DUI;
   • The under-the-influence driver was lawfully detained by an officer of another law enforcement agency;
   • The under-the-influence driver was lawfully arrested or detained by a person who witnessed the driving element of the offense (citizens’ arrest is required only when Vehicle Code §40300.5 does not apply); or
   • When an officer observes someone he believes is under the influence of an alcoholic beverage or drugs, and the elements of Vehicle Code §40300.5 are present.

514.4 COLLISION RELATED
An arrest shall be made for DUI when a traffic collision has occurred on a highway or on private property and the arresting officer has reasonable cause to believe that the suspect had been driving under the influence.

The arrest location shall include the scene of the collision or a location within a reasonable time and distance from the scene, to include locations to which the driver has been transported for medical treatment.

514.5 SOBRIETY REPORT
The use of the Sobriety Report form by itself for DUI cases is authorized when the suspect(s) arrested are charged with DUI and related traffic offenses.
514.6 CHEMICAL TESTS
A person is deemed to have consented to a chemical test or tests under any of the following (Vehicle Code §23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code §23152;
(b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code §23140);
(c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code §23136); or
(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.

514.6.1 CHOICE OF TEST
A person arrested for DUI has the choice of whether the test is of his/her blood or breath and the officer shall advise the person that he/she has that choice. If the person arrested is incapable or states they are 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)].

514.7 VEHICLE IMPOUND AUTHORITY AND PROCEDURES
The vehicle of a suspected DUI driver who is arrested shall be impounded under Vehicle Tow Authority Vehicle Code §22651(h)(1).

514.8 REFUSAL TO TAKE CHEMICAL TEST
When a driver arrested for Vehicle Code §23152 refuses to take a chemical test after being admonished of the requirement, he/she shall be cited or booked as appropriate.
Traffic Citations

516.1 POLICY
Members issuing citations (notice to appear) will follow the mandates of this Department in regards to the storage, tracking, issuance, prosecution, dismissal, correction, and voiding of citations without exception.

PURPOSE AND SCOPE
This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.1.1 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 Traffic Bureau Commander shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Bureau shall be responsible for the supply and accounting of all traffic citations.

516.3 DISMISSAL OF TRAFFIC CITATIONS
Members 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)).

516.4 DISPOSITION OF TRAFFIC CITATIONS
All traffic citations issued by members of this Department shall be submitted for review by a supervisor.

Exception: A commander may authorize members under his/her command to submit copies of citations directly to the Records Bureau without supervisor review.

Upon separation from employment with this Department, all members issued traffic citation books shall return any unused citations to the Equipment and Supply Unit (ESU).

516.5 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE
Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215 and is handled by the City of Fresno Parking Enforcement.

516.6 LEGISLATORS/POLITICIANS
Members of the State and Federal legislature, along with any other politicians, are subject to the same rules of the road as other citizens and have no legislative immunity.

516.7 NON-RESIDENTS
Traffic violators who are not residents of the State of California shall be handled in the same manner as any other traffic violators.
Traffic Citations

516.8 MILITARY PERSONNEL
Military personnel are handled in the same manner as any other traffic violator and enforcement procedures should be followed as outlined in the California Vehicle Code.

516.9 PUBLIC CARRIERS
Public carriers (e.g. buses, taxis, limos, etc.) are handled in the same manner as any other traffic violator and enforcement procedures should be followed as outlined in the California Vehicle Code.
Traffic Enforcement

517.1 POLICY
Members assigned to patrol or traffic enforcement functions should take enforcement action when a violation is observed and enforcement is appropriate.

Known and documented locations with high incidents of collisions should receive enforcement emphasis.

517.1.1 PURPOSE AND SCOPE
The purpose of this policy is to reduce the number of fatal, injury, and non-injury collisions in the City of Fresno through traffic enforcement.
Disabled Vehicles

520.1 POLICY
Assistance to members of the community whose vehicle has become disabled will be provided as needed for the interest of public safety.

520.1.1 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 MEMBER RESPONSIBILITY
When an on-duty member observes a disabled vehicle on the roadway, the member shall make a reasonable effort to provide assistance.

When the member is assigned to a call of higher priority (0 and 1 priority) the Emergency Services Dispatcher (ESD) shall be advised of the location of the disabled vehicle and the possible need for assistance. The ESD shall then assign another available member to respond for assistance as soon as practical.

520.3 EXTENT OF ASSISTANCE
Continued involvement by Department members will be contingent on the time of day, the location, the availability of Departmental resources, and the vulnerability of the disabled motorist.
Abandoned and Unregistered Vehicles

524.1 POLICY
Members coming into contact with vehicle parking, registration and abandonment violations should take action as described within this policy.

524.1.1 PURPOSE AND SCOPE
This policy provides guidance and procedures for the marking, recording, and storage of vehicles parked in violation of the Fresno City Ordinance regulating 72-hour parking violations, unregistered vehicles, and abandoned vehicles under the authority of Vehicle Code §§ 22651, 22652.6, and 22669.

524.2 CITATION
When, after 72 hours, the marked vehicle has not been removed, a member shall cite the vehicle in violation of Fresno Municipal Code § 10.605(c) or Vehicle Code § 22523(b) as appropriate.

524.3 VEHICLE REMOVAL
Motor vehicles which are parked, resting, or otherwise immobilized on any highway or public right-of-way and which lack an engine, transmission, wheels, tires, doors, windshield or any other part or equipment necessary to operate safely are a hazard to public health, safety and welfare and may be removed immediately upon discovery by a member rather than waiting the normal 72 hours Vehicle Code § 22669(d).

524.4 EXPIRED REGISTRATION
When a parked, unattended vehicle with expired registration is encountered on a highway, public lands, or off-street parking facility, it may be cited. If the vehicle has expired registration in excess of six months the vehicle may be impounded under the authority of Vehicle Code § 22651(o)(1).

524.5 PRIVATE PROPERTY
When an abandoned vehicle is on private property, the member shall refer the complaining party to the Neighborhood Preservation Division of the City Development Department to initiate removal proceedings under City zoning restrictions. An officer may cite the vehicle for Vehicle Code § 22523 at the request of the property’s owner/manager.

The member shall not remove the vehicle unless authorized by law.
Chapter 6 • Investigation Operations
600.1 POLICY
It is the policy of the Fresno 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.

600.1.1 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 SUPERVISOR RESPONSIBILITY
Supervisors assigned to the Investigations Division, patrol investigations, or their designee, shall review cases for assignment on a daily basis. Cases which warrant further follow-up shall be assigned. The supervisor can consider other factors affecting whether a case is assigned or not assigned for further follow-up such as mandated requirements or the seriousness of the crime. Cases meeting the assignment criteria shall be assigned to a member for follow-up investigation based upon the Case Screening criteria outlined in the operations manual for each Investigations Division or District Investigations unit. Cases which do not meet the assignment criteria may be immediately closed by the supervisor or forwarded to the appropriate member as an unassigned case for officer review.

600.3.2 TYPES OF RECORDS MAINTAINED
A uniform filing system shall be used by all members to allow ready access by supervisors and other members to all active cases. Each unit or member shall maintain files which shall be separated into active, inactive (suspended), and closed categories. The case files shall be filed in case number order.

Inactive (suspended) cases shall be kept in the file for a period of at least six months, and then purged on a revolving monthly basis as needed for file space. Exceptions can be made by the unit supervisor. For example, homicide cases should be reviewed every six months but may need to remain open for a variety of investigative reasons. Also, some files should not be purged until the statute of limitations has been exhausted. Cases of this type may be kept open at the discretion of the supervisor.
Cleared cases shall be kept in the file for a period of at least one year and may be purged with the final disposition of the case in court.

600.3.3 ACCESSABILITY TO THE FILES
The assigned member shall maintain the case files in such a manner as to allow ready access by supervisors and other members within the investigative unit. All hard-copy files maintained by detectives are secured in each member’s office or similar safe storage area. The supervisor and the commander from each unit can coordinate access to cases through the individual member. Electronic case files are secured through the MARS database, preventing unauthorized electronic file access.

600.3.4 PROCEDURES FOR PURGING THE FILES
An annual review of the files maintained by the individual member will be conducted in coordination with the supervisor of the investigative unit. The annual review of files should begin on January 1st of each year and shall be completed to coincide with the matrix rotation. Files will be reviewed and considered for purging using the following format:
(a) Date case assigned;
(b) Charge;
(c) Case management data - solvability, status; or
(d) Reason why file shall be purged or remain open (e.g. statute of limitations.)

600.3.5 MEMBERS LEAVING THE UNIT
When a member leaves the investigative unit, they will provide a signed and dated log of all open cases to the unit supervisor. The supervisor will ensure this process is completed prior to the last working date of the member leaving the unit. The supervisor will reassign the cases as needed.

600.4 MODIFICATION OF CHARGES FILED
Members are not authorized to recommend to the District Attorney, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the District Attorney’s Office or City Attorney’s Office only as authorized by a division commander or the Chief of Police.

600.5 INVESTIGATIVE RECORDS
Investigative units within the Department are authorized to maintain investigative records unique to their mission. These records may include confidential informant files, active case files, collision investigation related documents, and gang intelligence files. It is not the intent of this policy to require dual record-keeping so long as the data is readily available to Department members during the course of a criminal investigation.

Records Section is the designated agency terminal coordinator for the CLETS system and the Department custodian of police records. Unless otherwise noted, all Department crime related documents shall be maintained by the Records Section.

Any investigative records maintained within a bureau, section, or unit, are subject to the file review and purge guidelines as set forth in the respective operations manual.
External Investigations

601.1 POLICY
It is the policy of this Department to cooperate whenever possible, consistent with the applicable state laws and release of records and information policies of this Department, with external investigations against the Department or its members.

601.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide direction to Department members concerning external investigations they may become aware of during the course of their duties.

601.2 REPORTING TO THE CHIEF OF POLICE
Any member who is made aware of any investigation, civil suit, or claim against the Department or its members shall immediately notify the Chief of Police through the chain of command. The Chief of Police should notify the Legal Advisor and may instruct the Internal Affairs Bureau to conduct a concurrent investigation.

601.3 ACCESS TO FILES
Anyone outside of the Department who is investigating the Department or any member, and who requests access to any Departmental file, shall be referred to the Legal Advisor unless the member has signed a written release authorizing access to his/her records. This does not apply to authorized law enforcement personnel requesting access to police reports which shall be referred to a Records supervisor.

601.4 CIVIL RIGHTS VIOLATIONS
Supervisors shall cooperate with FBI investigations and provide the investigating agents the opportunity to interview any member and review any records deemed necessary.

601.5 INVESTIGATIONS INVOLVING POTENTIAL CONFLICTS OF INTEREST
Situations which could involve a conflict of interest if investigated by Department members will be referred to investigators at the Attorney General’s Office, DA’s Office, or FSD. When the Attorney General’s Office declines to investigate the charges, the Chief of Police or his designee (unless he is the one being investigated) shall determine which agency the matter will be referred to after conferring with the City Manager and/or the City Attorney. These investigations include criminal allegations involving elected City officials, council officers, City executive management, the Chief of Police, and other executive staff members of the Department.
602.1 POLICY
Department members will treat reports involving sexual assaults with confidentiality to protect a victim’s rights.

602.1.1 PURPOSE AND SCOPE
Consistent with Penal Code §293 and the Sexual Assault Victims’ DNA Bill of Rights (Penal Code §680), this policy will establish a means by which sexual assault victims may inquire about and be provided with information regarding the status of any DNA evidence in their case, their right to confidentiality and other rights afforded by law.

602.2 INVESTIGATION CONSIDERATIONS
602.2.1 VICTIM CONFIDENTIALITY
Except as authorized by law, members of this Department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality [Penal Code §293 (c) and (d)].

602.3 VICTIM NOTIFICATION OF DNA STATUS
(a) Upon receipt of a written request from a sexual assault victim or the victim’s authorized designee, the assigned officer may inform the victim of the status of the DNA testing of any evidence from the victim’s case.
(b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights:
   1. To be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case;
   2. To be informed whether or not there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation; and
   3. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Data Bank of case evidence.
(c) Provided that the sexual assault victim or victim’s designee has kept the assigned officer informed with regard to current address, telephone number and email address (if available), any victim or victim’s designee shall, upon request, be advised of any known significant changes regarding the victim’s case.

602.4 DESTRUCTION OF DNA EVIDENCE
All sexual assault kits will be sent to DOJ for DNA processing in accordance with Penal Code §680.

If, with the approval of a supervisor, it is determined that rape kit evidence or other crime scene evidence from an unsolved sexual assault is going to be destroyed or disposed of prior to the expiration of the statute of limitations set forth in Penal Code §803, the assigned officer shall provide the victim of the sexual assault with written notice of the intent to do so no less than sixty (60) days prior to the destruction or disposal of such evidence.
603 POLICY
The polygraph examination may be utilized to: verify, corroborate or refute statements; obtain additional investigative leads; narrow or focus criminal investigations; serve to screen candidates for positions with this or other criminal justice agencies; and assist in conducting internal police investigations.

603.1 PURPOSE AND SCOPE
The polygraph examination is a valuable investigative aid used in conjunction with, but not as a substitute for, a thorough investigation.

603.2 DEFINITIONS
Polygraph: The polygraph is an instrument that records certain physiological changes in a person undergoing questioning in an effort to detect deceptive responses. A polygraph simultaneously records at minimum, respiratory activity, galvanic skin resistance or conductivity, and cardiovascular activity.

Polygrapher: Refers to the individual conducting the polygraph examination. Only polygraphers who have successfully completed a Certified School of Polygraphy by the American Polygraph Association are authorized to administer examinations.

Examinee: Refers to the individual to be examined by the polygrapher.

603.3 INVESTIGATIVE/CRIMINAL POLYGRAPH EXAMINATIONS
Members of this agency may request a polygraph examination from one of the Department’s polygraphers, from a polygrapher from another agency, or a private polygrapher, with supervisor approval.

Polygraph examinations may be authorized consistent with state law and agency policy. Situations in which authorization may be requested and approved include, but are not limited to:
(a) Requests from the District Attorney’s office as part of an agreement with the defense attorney or for other investigative purposes;
(b) Requests from other authorized criminal justice agencies;
(c) Attempts to verify or reconcile statements of individuals when alternative investigative means have been exhausted; or
(d) Efforts to confirm or refute an allegation that cannot be verified or disproved by other evidence.

The polygraph should not be used to verify a victim’s or complaining witness’ allegation without sufficient grounds for suspecting that they are giving false or misleading statements. Exception: Refer to Penal Code §637.4(a).

Requests for examinations from another law enforcement agency pursuant to an internal investigation must be in writing and must be approved by the Chief of Police or his/her designee.

Submission to a polygraph examination must be voluntary on the part of all examinees including members of this agency. Members of this agency wishing to voluntarily transfer to a sensitive assignment (e.g. Vice, Intelligence, Narcotics, etc.) may be required to successfully pass a polygraph examination administered at no cost to the examinee before reassignment may occur. If the member refuses to voluntarily participate in a polygraph examination the request for transfer will be denied.

No polygraph examination will be administered without the examinee’s written approval.
603.4 PRE-EMPLOYMENT POLYGRAPH INVESTIGATIONS
All applicants seeking employment with the Fresno Police Department who may be exposed to sensitive information shall be administered a pre-employment polygraph examination. This includes sworn positions and non-sworn positions.

Polygraph examinations shall not be used as the sole determinant of suitability for employment.

603.5 PROFESSIONAL CERTIFICATION
Prior to providing contracted polygraph services for the Department, polygraphers will be screened to ensure they are a graduate of an accredited school of polygraph.
605.1 POLICY
Threats to public officials and FPD members shall be handled by members of the Criminal Intelligence Unit of the Special Investigations Bureau (SIB) unless directed otherwise by the Chief of Police.

605.1.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure all reports of threats to public officials and Department members are taken seriously and investigated immediately utilizing available resources.

605.2 THREATS TO DEPARTMENT MEMBERS
Whenever threats are directly made to Department personnel they are to take the appropriate enforcement action (i.e., pc422, pc69…..). When Department members become aware of an anonymous or third party threat directed at them, another member, or a public official, they are to document the incident in an appropriate police report and notify their immediate supervisor of the threats. The supervisor, through their chain of command, shall notify the Department's Criminal Intelligence Unit Supervisor for assessment and investigation.
Asset Forfeiture Policy

606.1 POLICY
Department members will follow the guidelines established, regarding the authority and procedure for the seizure and liquidation of assets associated with specified controlled substances.

PURPOSE AND SCOPE

This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

606.1.1 PURPOSE AND SCOPE
This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

606.2 ASSET SEIZURE AUTHORITY
Health & Safety Code § 11470 provides for the forfeiture of any currency, and real and/or personal property, which represents proceeds or was used to facilitate narcotic activity in violation of the Health & Safety Code. The offense(s) must involve the manufacturing, distribution, transportation for sale, sales, possession for sale, offer for sale, offer to manufacture, or the conspiracy to commit certain Health & Safety Code violations.

Health & Safety Code § 11488a specifies that any peace officer having probable cause, may seize all moneys, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to Health & Safety Code § 11470 (e) or (f).

606.3 ASSET FORFEITURE RESPONSIBILITY
The primary responsibility for investigation of asset seizures rests with the Special Investigations Bureau.

Before seizing any currency, vehicle, or personal property pursuant to Health & Safety Code § 11470, a member will contact an "asset forfeiture" detective or a Narcotics supervisor.
607.1 POLICY
When conducting a physical lineup, photographic lineup, or in-field show-up, members shall avoid any conduct prior to, during, or after the identification which might be suggestive in any way to the person making the identification.

607.1.1 PURPOSE AND SCOPE
The purpose of this policy is to maximize the reliability of eyewitness identifications, minimize unjust accusations of innocent persons, and to establish evidence that is reliable and conforms with established legal procedures. Eyewitness identifications should be used as a tool and should not replace a thorough investigation.

607.2 DEFINITIONS
A "line-up" is a physical or photographic group of people from whom a witness may pick the perpetrator of the crime.

A "show-up" is a one-on-one confrontation between a witness and a suspect, usually in the field, within a short time frame following the commission of a crime.

607.3 LINEUPS – PHYSICAL/PHOTOGRAPHIC
607.3.1 PHYSICAL LINEUPS
Physical lineups are normally conducted whenever a suspect is placed in a live group of individuals and the entire group is presented individually to witnesses and/or victims for viewing. Persons arrested on the basis of probable cause may be placed in a physical line-up for identification purposes. The suspect is entitled to have an attorney present.

607.3.2 PHOTOGRAPHIC LINEUPS
Photographic lineups are normally conducted when a suspect is not in custody and occur when an officer arranges for a victim and/or witness to view an array of photographs.

607.4 IN-FIELD SHOW-UP
Show-ups should be limited to situations where the eyewitness views a suspect in close proximity in time and place to the scene of the crime and where physical lineups or photographic identifications are impractical.
608.1 POLICY
The Department will take appropriate precautions, by developing sound guidelines, to protect the integrity of the Department and officers when using informants.

608.1.1 PURPOSE AND SCOPE
In many instances, a successful investigation cannot be conducted without the use of informants. To ensure the integrity of those investigations that utilize an informant; confidential, paid or otherwise, members of the Department shall adhere to these standards and utilize only credible and reliable informants during an investigation.

608.2 CLASSIFICATIONS
Anonymous Tip
Information on criminal activity provided to law enforcement by an unknown person.

Citizen Informant
An identifiable citizen, who in good faith provides information on criminal activity to an officer without any expectation of compensation, reward or favor. The citizen’s identity is subject to disclosure upon the request from the District Attorney’s office. Therefore, officers will need to document this information in a police report or CAD event.
609.1 POLICY
Investigative Funds, per the Department of Justice Equitable Sharing Program guidelines, are established for designated amounts from which payments and/or reimbursements for expenditures may be made. At all times, the cash on hand plus the dollar amount of expenses supported by expenditure vouchers should equal the designated amount of the particular Investigative Fund.

609.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide uniform guidelines for the control and administration of the Police Department Investigative Funds.

609.2 APPROVED EXPENSES
Investigative Fund expenses include, but are not limited to, the following:
(a) Purchasing narcotics;
(b) Purchasing contraband (i.e. weapons, stolen property, alcohol from commercial establishments, etc.);
(c) Direct payment to informants; and
(d) Direct payment to minor decoy’s (Minor’s working directly under the supervision of the ABC Coordinator).

609.2.1 PROHIBITED USES
The following transactions are prohibited uses of Investigative Funds, except where specifically pre-approved by the City Manager, or the City Controller:
(a) Entertainment, office supplies, travel reimbursements, and personal expenses are specifically excluded from authorized Investigative Fund cash disbursements;
(b) Reimbursements for member meals;
(c) For alcoholic beverages when not in conjunction with an ABC Unit investigation/operation;
(d) Tickets to social, cultural or athletic events;
(e) Purchase of meals/beverages for informants, victims, witnesses, and suspects/arrestees. If necessary, these types of purchases shall be done via established petty cash reimbursement procedures; or
(f) Cash expenditures for miscellaneous items or services needed during any approved investigation. If necessary, these types of purchases shall be made with appropriated funds using the appropriate procedure and documented authorizations.

609.3 CUSTODIANS
The Commander of each district, bureau, section, or unit that is assigned Investigative Funds will designate one Lieutenant with one additional Sergeant (as back up) as the custodian of the Investigative Funds. The designated Investigative Fund custodian will be communicated to the Finance Department. When the custodianship of the Investigative Fund changes, a witnessed, physical count of the cash and receipts on hand must be performed and documented at the time of change. The completed documentation will be forwarded to the City Controller by the Fiscal Affairs Bureau representative upon completion of the change of custodianship.

609.3.1 CUSTODIAN RESPONSIBILITIES
The Investigative Fund custodian shall be responsible for the following matters related to the operation of the fund:
(a) Safe and secure storage;
(b) Keeping each Investigative Fund separate from all other funds;
(c) Ensuring that each transaction is for the established purpose of the Investigative Fund;
(d) Providing proper documentation to support each expenditure, ensuring the completeness and accuracy of the Investigative Funds Expenditure Voucher;
(e) Replenishing the Investigative Fund in a timely manner;
(f) Notifying the City Controller or other designee when changing a custodian, changing the location of the Investigative Fund, or changing the physical security of the Fund; and
(g) Reporting discrepancies or theft of the Investigative Fund in a timely manner to the respective district, bureau, section, or unit Commander and the City Controller.

609.4 AUDITS
The City Controller or designee is responsible for ensuring that each Investigative Fund is audited periodically. Custodians will not be notified in advance. The purpose of the audit is to ensure that the Department funds are properly safeguarded. This would, in turn, enable an effective verification of cash held by the custodian with the official records.

Policy Review/Approval
This policy and any future revisions require the review and approval by the Finance Department prior to implementation.
610.1 POLICY
Members executing a preplanned operation, including search warrants, or conducting a high risk criminal investigation shall contact a deconfliction center to attempt to prevent to avoid dangerous confrontations and/or unintentional consequences for law enforcement personnel and our citizens.

610.1.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure appropriate use of an event deconfliction pointer system. Event deconfliction, along with the sharing of event and investigative information with other law enforcement agencies, and proper case activation procedures enhance officer safety and the efficiency of criminal investigations. As such, the following policy will be adhered to when executing a planned operation or conducting a high risk criminal investigation.

610.2 Definition

Event Deconfliction- the process of determining when law enforcement personnel are conducting events in close proximity to one another at the same time.
700.1 POLICY
Members shall be responsible for the operational readiness, safekeeping, condition, care, use and replacement of Department property assigned or entrusted to them, as well as any personal property they may possess.

All Department equipment shall be maintained in a good operating condition and be ready for use as needed. To ensure that equipment is maintained in this condition, regular documented inspections of equipment, uniforms, vehicles, and facilities shall be conducted.

700.1.1 PURPOSE AND SCOPE
Members 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 LOSS OR DAMAGE OF PROPERTY OF ANOTHER
Members intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Damage will be documented in a report related to the incident/event.

700.2.1 DAMAGE BY PERSON OF ANOTHER AGENCY
If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor’s written report, shall promptly be forwarded to the appropriate Division Commander.

700.3 MILITARY SURPLUS PROGRAM
From time to time the Department may acquire excess property/equipment from the Department of Defense to support law enforcement activities, including counter-drug and counter-terrorism activities. Any requests for acquisition of equipment through the 1033 Military Surplus Program shall be coordinated by the Patrol Division Commander’s designee, with final approval by the Chief of Police.
701 POLICY
All members have the primary responsibility of maintaining equipment issued to or used by them, including optional equipment authorized by the Department, in a good operating condition.

701.1 PURPOSE AND SCOPE
This policy shall apply to equipment issued by the Department and optional equipment purchased by members. Members shall maintain all equipment issued to them in a state of operational readiness ensuring that the equipment is clean, repaired as needed and in functional working order.

701.2 ISSUED EQUIPMENT
Issued equipment shall not be altered, modified, or repaired except by City personnel or private vendors authorized by the Chief of Police. Members shall not use equipment on duty that is not issued or approved by the Department.

The Department may issue the below listed equipment to members to be used in conjunction with their job duties:
- Badge
- Soft Cap Badge
- Photo Identification Card
- Pepper Spray
- Whistle
- Handcuffs/Keys
- Handcuff Case
- Key Strap
- Belt Keepers (four)
- Ammo Pouch
- Pepper Spray Case
- Baton (Expandable)
- Baton Holder
- Citation Case
- Inner Belt
- Outer Belt
- Helmet (Ballistic) with detachable face shield & black carrying bag
- Flashlight
- Flashlight Holder
- X26 Taser™ with two cartridges
- Holster
- Collision Manual
- Handgun
- Radio (PT)
- Lite Flares
- Keys
- Ballistic Vest
- Body worn video camera with tablet, case, and mounts

701.2.1 DEPARTMENT IDENTIFICATION & BADGES
Members shall have their Department Photo Identification (ID card) with them at all times.

Sworn members shall have either their Department badge or an off duty badge in their possession when on duty.
701.3 BUSINESS CARDS
The Department will provide members who have regular personal contact with the public with standardized business cards. The business card shall include the officer’s name, badge number, and voicemail number.

701.3.1 USE OF CARDS
When necessary, business cards shall be used to record case or event numbers to provide such information to a member of the public.

A business card shall be provided to the subject of a traffic enforcement stop when a citation is not issued.

A business card shall be provided when any person requests a member’s name and/or badge number in person.

Department issued business cards shall be used for official business only.
702.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use of Departmental-issued mobile phones and personal communication devices, and the on-duty use of such devices owned by members.

Because of technical advances and varying manufacturer nomenclature, this policy will generically refer to all personal communication devices as such, but is intended to include all mobile phones, PDAs, and other electronic communication devices.

702.2 DEPARTMENT ISSUED DEVICES
Depending on a member’s assignment and needs of the position, the Department may, at its discretion, issue him/her a personal communication device. Such devices shall remain the sole property of the Department and are subject to inspection or monitoring (including related records) at any time.

702.2.1 MEMBER OWNED PERSONAL COMMUNICATION DEVICE
Members may carry individually owned personal communication devices while on duty, subject to the following conditions:
(a) Carrying an individually owned personal communication device is optional;
(b) The device shall be purchased, used and maintained at the member’s expense; and
(c) When a member chooses to use a personal device during the course and scope of employment, it is subject to subpoena by a court and the member may have to disclose personal records of communication during that time period.

702.2.2 USE OF PERSONAL COMMUNICATION DEVICES
Personal communication devices should be used by members to effectively communicate with other personnel in those situations where the use of the radio is either impractical or not feasible. Personal communication devices should not be used to replace regular radio communications.

Personal communication devices should not be used to conduct personal business while on duty, except when brief personal calls may be warranted by the circumstances (e.g., inform family of extended hours). While members may use individually owned personal communication devices for personal business during authorized breaks, such usage should be limited as much as practical to areas where the call will not be seen or heard by the public.

Extended or frequent use of personal communication devices while on duty for personal use may result in discipline, and members are responsible for reimbursing the Department for any charges incurred as a result of personal use of a Department issued device.

702.2.3 USE WHILE DRIVING
California law prohibits the use of personal communication devices while operating a motor vehicle on a public roadway. Police personnel operating an on-duty emergency vehicle may use a personal communication device for official business. The use of a personal communication device while driving can cause unnecessary distractions and presents a negative image to the public. Members are encouraged to use “hands free” devices when available. Officers should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their call. Members are prohibited from text messaging while operating a vehicle.
703.1 POLICY
All Department vehicles will be operated attentively, with due caution and care, consistent with current laws, driving conditions, experience and training received.

703.2 DRIVER'S LICENSE REQUIREMENT
Department vehicles may only be operated by members that possess a valid California Driver’s License (CDL). Members required to operate a motor vehicle as part of their employment shall notify their immediate supervisor any time their CDL status is no longer valid or is compromised in any manner. This includes sworn members, reserve officers, CSO’s, and cadets. A supervisor may randomly verify the member's CDL status at any time.
Vehicle Maintenance

704.1 POLICY
Members are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.
705.1 POLICY
The National Defense Authorization Act authorizes the Secretary of Defense to transfer excess Department of Defense (DoD) personal property to federal, state and local law enforcement agencies (LEA) with special emphasis given to counter drug and counter terrorism. The 1033 Program allows LEAs to receive DoD excess property.

705.1.1 PURPOSE AND SCOPE
This policy establishes a procedure for the acquisition and tracking of military surplus property/equipment.

705.2 MILITARY SURPLUS PROGRAM
The Department may acquire excess property/equipment from the Department of Defense to support law enforcement activities, including counter-drug and counter-terrorism activities. The 1033 Program shall be coordinated by the Support Division Commander or his/her designees, with final approval by the Chief of Police.
Chapter 8 • Support Services
Crime Analysis

800.1 POLICY
The Crime View Bureau will provide crime analysis and statistical data to Department personnel to assist them in developing strategies to reduce crime.

800.1.1 PURPOSE AND SCOPE
The Crime View Bureau relies on timely and accurate data to effectively analyze a crime spike and/or trend. Once the information is analyzed, it is forwarded to affected command staff and other members for their use. Crime analysis plays a critical role in how the Department addresses crime by examining crime trends and clusters.

800.2 DATA SOURCES
Crime View data is extracted from many sources including, but not limited to:

800.3 CRIME ANALYSIS FACTORS
The following minimum criteria should be used in collecting data for Crime View:

• Crime incident;
• Location factors;
• Victim and target descriptors;
• Suspect descriptors;
• Suspect vehicle descriptors;
• Modus operandi factors; and
• Physical evidence information.

800.4 CRIME ANALYSIS FOCUS AND DISSEMINATION
An analysis will be given to the affected members to find factors that may or may not play a role in the statistical increase with results forwarded to Command staff, investigative units, and patrol officers.

Analysis will be conducted on clusters even if no statistical spike is present.
Property & Evidence

804.1 POLICY
Property and evidence are a critical responsibility of the criminal justice system. Property and evidence will be handled, stored, and processed with due regard to the chain of evidence and those persons authorized to remove and/or destroy property.

804.1.1 PURPOSE AND SCOPE
This policy provides the basic definitions of types of property that may be encountered by members of the Department and the proper handling of the property.

804.2 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; and
• 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 a member or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.
805.1 POLICY
The Department will collect and store photographic evidence in the best manner possible within the limitations of equipment available, conditions of collection, and the time frames of the investigation.

805.1.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the collection and archiving of photographic evidence. In order to be qualified in the future as competent evidence, the protocols in this policy are intended to create a photographic evidence collection system that meets the highest standards possible.

805.2 INTENDED PURPOSE OF DIGITAL IMAGES
Digital photography and the use of digital imaging technologies shall be the primary collection method used by Fresno Police Department personnel for the following purposes:

- The documentation of crime scenes in order to create a visual record of evidence found, and the overall conditions at the scene of crimes; and
- The capture and storage of latent fingerprints, trace evidence and other objects of an evidentiary nature, for comparison or analysis purposes.

All digital images captured as evidence shall be handled, stored, and processed with due regard to the chain of evidence. Any such evidence shall be subject to the guidelines set forth in Policy §810 – Release of Records and Information and the Code of Civil Procedure §129. Official Department photographs, as well as photographs taken by members in the course and scope of their duties, shall not be used, shared, or displayed in any manner other than for official Department business.

Traditional 35mm film photographic evidence may be utilized by CSIB personnel only, when digital imaging equipment becomes inoperative or is otherwise unavailable.

805.2.1 CRIME SCENE DOCUMENTATION
The purpose of digital photography at a crime scene is to visually document evidence and the crime scene itself. Images captured with a digital camera are original images equivalent to a negative in film based photography. Under no circumstances may digital images be deleted in the field.

The use of digital photography by field and investigations personnel is intended to document evidence in non-technical cases where the expertise of CSIB personnel is not required.

805.2.2 LATENT FINGERPRINTS AND OTHER TRACE EVIDENCE
Photographs of fingerprints and trace evidence for analysis shall be taken by CSIB personnel only. Fingerprints and other trace evidence should be photographed in an uncompressed file format of either TIFF or RAW. Photographs of the crime scene, showing where a fingerprint or other trace evidence was found are only supplemental to images taken for analytical purposes and do not call for more stringent capture requirements for analysis.

805.3 STORAGE/TRANSFER/PROCESSING OF DIGITAL EVIDENCE
When possible or practical, all digital evidence will be kept in its original native file format as to not lose any digital information during a conversion process. Forensically processed or clarified evidence may be saved in a different file format, but in all cases, the original source file shall be kept as original evidence.
806.1 POLICY
The Records Section will provide timely, accurate criminal history information, crime reports and professional service to Department members, all law enforcement agencies, residents of Fresno, and other legitimate consumers.

806.1.1 PURPOSE AND SCOPE
The purpose of the Records Section is to act as a central repository for certain Department records which may be accessed by members of the public, law enforcement, government agencies, and other legitimate consumers as appropriate.

806.2 REQUISITION OF DEPARTMENT FORMS
The Records Section maintains a supply of the various forms used by members.

Members needing Departmental forms shall contact a Records Supervisor, who will arrange for the forms to be made available. The requesting party or designee may pick up the forms, when ready, at the Records Section.

Only Records Section personnel shall issue forms from the supply room as directed by the Records Section Commander and/or Records Supervisor.

806.3 RECORDS SECTION ACCESS
Access to the Records Section is restricted to Records personnel only.

Exception: When approved, non-assigned personnel may enter the Records Section with an escort by the Records Manager/Supervisor or a Records Clerk.
810.1 POLICY
Any information possessed by the Department or any member that comes into possession because of
the official status as a member of the Department, shall be treated as confidential and shall not be
released except as provided herein. These provisions specifically include information available to
members from Department files, computer inquiries, and police investigations.

810.1.1 PURPOSE AND SCOPE
The purpose of this section is to establish a comprehensive reference and procedure for the
maintenance and release of Department information, reports, and records in accordance with
applicable law.

810.2 MEMBER ACCESS
Member’s access to Department files, reports, documents, procedures, evidence, details of
investigations, computer databases, or other confidential information is limited to situations where the
information sought assists in the performance of the member’s assigned duties. Requests for other
uses of this information shall be routed through the member’s chain of command. Information may,
however, be provided to a member’s legal counsel within the confines of the attorney client relationship,
but shall not be further disclosed without a court order.

Except as otherwise provided by law or in the Policy Manual, access to or use of the above categories
of information for the personal interest or benefit of the member or any other person is prohibited.

Members shall not request or examine vehicle registrations, driver’s license history, local criminal
history or information from an online database service such as LexisNexis on any individual unless the
member can substantiate a legitimate official need to know.

Members shall not transfer, copy, or delete any Department files, reports, documents, procedures,
evidence, details of investigations, computer databases, digital photographs, E-mails, or other
confidential information upon transfer out of the Department, resignation, or termination. Additionally,
any disabled computer accounts will be:
   (a) Purged after two years; or
   (b) Held indefinitely pending investigative needs.

The release of information by the Public Information Officer or other members designated by the Chief
of Police or his/her designee to hold news conferences, or otherwise address the public with respect to
Department operations, shall be governed by the California Public Records Act.
(Government Code §6250, et seq.)

810.3 CLETS INFORMATION
Members shall not copy or reproduce confidential information obtained from the CLETS system. This
includes copying this information verbatim into police reports prepared by the member.

810.4 PUBLIC REQUESTS FOR RECORDS
The California Public Records Act (Government Code §6250, et seq.) provides that records created by
a public agency shall be subject to inspection and release pursuant to request, except pursuant to the
exemptions set forth below in the Act or otherwise established by statute. Public requests for records of
this Department shall be processed as follows:
810.4.1 PROCESSING OF REQUESTS
Any member of the public, including the media, may request access to unrestricted records of this Department by submitting a separate written and signed request for each individual and specifically identified request to the Records Section (Government Code §6253).

Requests for exempted records from involved individuals, their authorized representatives and other agencies are addressed below. The processing of requests is subject to these limitations:

(a) The authorized receiving employee shall determine if the requested record is available and/or subject to any exemption from disclosure. This determination may take up to 10 days and an additional 14 day extension may be authorized by the Department head or his designee (Government Code §6253(c));
(b) The requesting party shall be required to pay in advance any established fee for each record sought (Government Code §6253(b)); and
(c) The Department shall not be required to create records which do not otherwise exist in order to accommodate any request under the Public Records Act. When practicable, however, existing records may be copied in such a manner as to provide the requesting party with unrestricted portions of any record.
(d) 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 shall be maintained in the case file for proof of what was actually released and as a place to document the reasons for redactions. If the record is audio and/or video, a copy of the redacted audio and/or video released shall be maintained in the department-approved media storage system and a notation should be made in the Public Records Act request log to document the release and the reasons for the redacted portions.
(e) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code §6255). The written response shall also include the name(s), titles or positions of each person responsible for the denial.

810.5 REPORT RELEASE RESTRICTIONS
Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this Department shall be made public subject to the following restrictions:

810.5.1 GENERAL, BODY CAMERA VIDEO CASE AND CRIME REPORTS
Reports or video containing any of the items listed below will not be released:

(a) **Victim Information** - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses (e.g., sex crimes, Penal Code §293) shall not be made public. Penal Code §841.5 makes it a misdemeanor to release confidential victim information to any potential criminal defendant.
(b) **Confidential Information** - 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, shall not be made public.
   1. Analysis and conclusions of investigating officers may also be exempted from disclosure.
   2. If it has been noted in any report that any individual wishes to protect his/her right to privacy under the California Constitution, such information may not be subject to public disclosure.
(c) **Specific Crimes** - Certain types of reports involving, but not limited to, Child Abuse/Molest (Penal Code §11167.5), Elder Abuse (Welfare and Institutions Code §15633) and Juveniles (Welfare and Institutions Code §827) shall not be made public.
(d) **General Information** Absent statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code §6254(f).
810.5.2 ARREST REPORTS
Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney or the courts pursuant to Penal Code §1054.5.

810.5.3 CRIMINAL HISTORY INFORMATION
Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals set forth in Penal Code §§11105 and 13300. Members without prior training and authorization to access criminal history directly, shall request criminal history information via the Records Section.

Criminal history information is not to be released to any private person for any reason without a court order or authorization from DOJ. Releases on all court orders are to be cleared through the Records Section Commander or his/her designee before the information is released.

Criminal history information shall not be released to anyone who is seeking its use for employment reasons. Criminal history information may be released to authorized investigators conducting criminal investigations only. Members shall ask the reason for the request.

810.5.4 TRAFFIC COLLISION REPORTS
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, other law enforcement agencies and those individuals and their authorized representatives set forth in Vehicle Code §20012. All requests for traffic collision reports shall go through the Records Section.

810.5.5 PERSONNEL RECORDS
Personnel records, medical records and similar records which would involve an unwarranted invasion of personal privacy shall not be made public, except as allowed by law (Government Code §6254 Penal Code §832.7; Penal Code §832.8; Evidence Code §1043 et seq).

Peace officer personnel records that are deemed confidential (Penal Code §832.7, et seq.) shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (Evidence Code 1043, et seq.). 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. These records are kept secured in the Personnel Bureau. See Policy and Procedure §1026 for the specific process of the release of personnel records.

810.5.6 POLICY AND PROCEDURE RELEASES
Policy and procedures are confidential documents and not subject to general public release. All requests for release of policy and procedure shall be routed through the Department’s Legal Advisor for approval. Upon approval from the Department’s Legal Advisor, the request will be routed to the Policy & Procedures Unit for preparation of the approved documents.

Note: Department legal counsel (City and contracted) and outside law enforcement agencies may be exempted from the above restrictions with approval from the Chief of Police.

810.5.7 CONCEALED WEAPONS PERMITS (CCW)
Information contained in CCW permit applications or other files which would tend to reveal where the applicant is vulnerable or which contains medical or psychological information shall not be made public (Government Code §6254(u)).
810.6 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 6254(f)(4)).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The Chief of Police should work as appropriate with the Internal Affairs Bureau (IAB) Commander, with input from the City Attorney’s Office (CAO), in determining what recordings are subject to 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.

810.6.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

a. Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.

b. Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.

c. Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 6254(f)(4)).

810.6.1 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the IAB Commander shall provide written notice to the requester as follows (Government Code § 6254(f)(4)):

a. During the initial 45 days, the IAB Commander shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

b. When delay is continued after the initial 45 days, the IAB Commander 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 disclosure. The IAB Commander 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.

810.6.2 REDACTION

If the IAB Commander, in consultation with the Chief of Police or authorized designee, and the CAO, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 6254(f)(4)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the IAB Commander shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 6254(f)(4)(B)(i)).
810.6.3 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE
If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 6254(f)(4)(B)(ii)):
   a. The person in the recording whose privacy is to be protected or their 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 IAB Commander shall provide the requester with written notice of the specific basis for the determination (Government Code § 6254(f)(4)(B)(iii)).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 6254(f)(4)(A)).

810.7 OTHER RECORDS
Any other record not addressed in this policy shall not be subject to release where such record is exempted or prohibited from disclosure pursuant to state or federal law, including, but not limited to provisions of the Evidence Code relating to privilege [Government Code §6254(k)].

The Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure (Government Code §6255).

Any record which was created exclusively in anticipation of potential litigation involving this Department shall not be subject to public disclosure [Government Code §6254(b)].

When release of a record is questionable, members shall route the request to the Legal Advisor.

810.8 SUBPOENA DUces Tecum
Any Subpoena Duces Tecum should be promptly provided to a supervisor, or authorized designee, 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.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to the Legal Advisor so that a timely response can be prepared.

810.9 RELEASE OF INFORMATION TO HOUSING AUTHORITY
The Patrol Division Commander shall designate a member to act as the Housing Authority Liaison Officer (HALO). Pursuant to Penal Code §11105.03, the HALO may release criminal history information to the Housing Authority. Releasable information includes only those sections described in Penal Code §11105.03 for which the subject was convicted within the last ten years during which time he/she was 18 years of age or older.

Information is confidential and may only be released to the Housing Authority Director or his/her designee. The HALO shall maintain a secure file system containing a record, including any printouts, of each criminal history request and response. Files shall be maintained for a period of three years.
Criminal Offender Record Information (CORI)

812.1 POLICY
Members are authorized to access criminal history systems only when the member has both a right to know and a need to know.

812.1.1 PURPOSE AND SCOPE
This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

812.2 AUTHORITY
This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California, Title 11, California Administrative Code. Other authority includes Penal Code § 11105, which delineates who has access to Criminal Offender Record Information (CORI), and Penal Code §§ 11140 through 11144, which establishes penalties for the improper use of rap sheets.

812.3 DEFINITIONS
Criminal Offender Record Information • (CORI) shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any FPD documents containing a list of prior arrests.

Criminal Justice Agency • Means a public agency or component thereof which performs a criminal justice activity as its principal function.

Authorized Recipient • Means any person or agency authorized by court order, statute or case law to receive CORI.

Right to Know • Means persons or agencies authorized by court order, statute or decisional case law to receive the information.

Need to Know • Means a necessity exists to obtain CORI in order to execute official responsibilities.

812.4 AUTHORIZED RECIPIENTS OF CORI
CORI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

The California Department of Justice has issued a list of agencies authorized to receive criminal history information. Persons not included in the Department of Justice list are not authorized recipients and shall not receive CORI.

812.4.1 CRIMINAL RECORD SECURITY OFFICER
The Records Manager is the designated Criminal Record Security Officer for the Fresno Police Department. The commander is responsible for ensuring compliance with this policy and with applicable records security regulations and requirements imposed by federal and
state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CORI.

812.4.2 RELEASE OF CORI
Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Criminal Records Security Officer
(b) Records Manager
(c) Full-time employees of the Records Bureau
(d) Personnel specifically designated in writing by Division Commanders with the concurrence of the Criminal Records Security Officer

812.4.3 RELEASE OF CORI TO FIELD PERSONNEL
Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not be transmitted by radio broadcast or through computer terminals to field personnel or vehicles. Nothing in this policy is intended to prohibit broadcasting warrant information concerning wanted persons.

812.5 JUVENILE RECORDS
Nothing in this policy is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to Policy Manual § 324 for more specific information regarding cases involving juveniles.

812.6 REVIEW OF CRIMINAL OFFENDER RECORD
Penal Code §§ 11120 through 11127 provide the authority and procedure whereby an individual may review his/her own California Department of Justice (CJI) rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements.

812.7 PROTECTION OF CORI
CORI shall be stored in the Records Bureau where constant personnel coverage will be provided. CORI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms.

Direct access to CORI stored in the Records Bureau shall be restricted to the Records Bureau personnel authorized to release it. Direct access to CORI stored in desks, file cabinets, and rooms outside the Records Bureau shall be restricted to those persons who possess both the right to know and the need to know the information.

812.7.1 COMPUTER TERMINAL SECURITY
Computer terminal equipment capable of providing access to CORI is located in the Records Bureau, the Communications Center and in the Investigation Bureau to preclude access by unauthorized persons.

No member shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.
812.7.2  DESTRUCTION OF CORI
When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each member shall be responsible for destroying the CORI documents he/she receives.

812.8  TRAINING PROGRAM
Members authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

812.9  PENALTIES FOR MISUSE OF RECORDS
Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of CORI in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 341.2.7.

Members who obtain, or attempt to obtain, information from the Department files other than that to which they are entitled in accordance with their official duties are in violation of Policy Manual § 341.2.7.
Chapter 9 • Custody
900.1 POLICY
The Department shall maintain the custody of prisoners in accordance with the laws as established by the California Department of Corrections and Rehabilitation.

900.1.1 TEMPORARY HOLDING CELLS
The term "temporary holding cell" refers to any physical space used for detaining, processing, questioning, or testing of prisoners.

900.1.2 PRISONER
A prisoner is defined as an arrestee, detainee, or other person that is lawfully in the custody of a Department member.

900.1.3 SUPERVISION OF PRISONERS
Any member who places a prisoner into a temporary holding cell shall maintain or arrange for supervision of that person and be accountable for the safety, custody, and care of the prisoner while on the premises.

Prisoners shall have access to water and restroom facilities as mandated by law, while they are in the temporary holding cell.

900.1.4 SEARCH / WANDING OF PRISONER(S)
Prior to placing a prisoner in a temporary holding cell the prisoner shall be searched.

Primary responsibility for searching prisoner(s) rests with the transporting member who delivered the prisoner to HQ/Prisoner Processing Section.

Members shall pat search and utilize a metal detector to wand every prisoner prior to entering the Prisoner Processing Section. This will occur inside the fenced area of the Prisoner Processing Section and prior to members securing their firearms and edged weapons. After the prisoner has been searched, wanded, walked through the stationary metal detector and has entered the Prisoner Processing Section, he/she shall be placed into a temporary holding cell.

900.1.5 SECURITY INSPECTION OF TEMPORARY HOLDING CELL
Prior to placing a prisoner into, and after removal from the temporary holding cell, members shall conduct an inspection of the cell.

900.1.6 ORTHOPEDIC / PROSTHETIC APPLIANCES
Prisoners will be allowed to keep prescribed orthopedic or prosthetic appliances, including hearing aids and glasses, unless there is an immediate risk of bodily harm to any person or the security of the facility. Appliances removed from prisoners shall be returned when the risk of bodily harm or security risk no longer exists, they are released, or transported to another facility.

900.2 SECURING A PRISONER TO A FIXED OBJECT
A prisoner may only be secured to a fixed object when there are no other suitable methods of detention available, and only to an object that is specifically designed and intended for that use. (e.g., McLane H.S. SRO office fixed post)
A prisoner secured to a fixed object shall not remain secured in that position for more than two hours and he/she shall be under constant supervision. See Policy Manual § 324 for time limits when securing juveniles to a fixed or stationary object.

900.3 SEPARATION OF MALES / FEMALES / JUVENILES
Male and female juveniles shall not be placed in the same temporary holding cell or interview room unless they are under constant, in-person, observation by an officer.

900.3.1 NON-CONTACT REQUIREMENTS BETWEEN ADULT AND JUVENILE PRISONERS
There shall be no contact (verbal, non-verbal, or visual communications) between juveniles held in temporary custody (either non-secure or secure detention) and adult prisoners.

California Code of Regulations, Title 15, Article 9, Section 1144, specifies situations in which a juvenile and an adult prisoner may be in the same room, area, or corridor. This may occur only if the member maintains a side-by-side presence with the juvenile to ensure that no communications occur between the juvenile and adult prisoner. The contact shall be limited to the following as it relates to the Fresno Police Department:
(a). Booking; and
(b). During the movement of prisoners within Department facilities.

900.3.2 TEMPORARY DETENTION OF JUVENILES
When a member takes a juvenile into custody, that juvenile must be handled in a different manner than adults. Policy Manual § 324 is incorporated as a part of this Manual and should be consulted regarding the policies for the temporary custody of juveniles.

900.4 TIME LIMITATION
It is the policy of the Fresno Police Department that prisoners detained in the Temporary Holding Facility shall be released or transported to another facility, per the provisions of this manual, as soon as possible and practical. A prisoner shall have continuous supervision by a member when they are held in a temporary holding cell.

When a prisoner is detained in excess of 6 hours, they shall be offered a meal. If the detainee chooses to accept a meal, it shall be purchased from a local restaurant the Department has contracted with to provide these services. (See Procedure Manual §600 – Investigation and Prosecution, Section F)

900.5 FIRE PREVENTION, EVACUATION & SUPPRESSION PLAN
Pursuant to Health & Safety Code §13146.1 and California Code of Regulations Titles 19 and 24, all temporary holding cells will meet or exceed state fire code standards. All temporary holding cells will be subject to annual inspection to ensure compliance. A copy of the inspection report will be retained in the Investigative Services Division office. The inspection shall include the following:
(a). All exits and fire escapes are properly maintained, illuminated with appropriate signs, and free of obstructions;
(b). Supervisory personnel are continually on duty and effective provisions are made to remove occupants in case of fire or other emergencies;
(c). All first-aid, fire fighting equipment, and fire extinguishing equipment is properly located and maintained;
(d). An automatic fire suppression system is properly maintained and working; and
(e). Fire drills that are conducted quarterly for each shift.

In addition, the Department shall ensure that at least one person is on duty who meets the training standards established for general fire and life safety specific to the facility.

All persons responsible for prisoners held in temporary holding cells shall be made aware of the fire & evacuation safety plans and receive training in prisoner searching and transportation techniques during the new officer orientation and police training program.
900.6 PRISONER PROCESSING SECTION TEMPORARY HOLDING CELL SECURITY
Any prisoner brought into the Prisoner Processing Section for identification verification or processing purposes shall be accompanied by a minimum of two field personnel. This includes sworn officers, Cadet II’s, or Criminolgy 108 Reserves. Both personnel shall remain with the prisoner at all times during the identification process to provide prisoner security for Prisoner Processing Section personnel and Department members.

900.6.1 PRISONER ACCESS
Only members, authorized personnel, or prisoners shall be allowed access to the temporary holding cell areas.

Juvenile prisoners shall not be brought into contact with adult prisoners or the adult temporary holding cell area.

Members from the public who are on a Department tour may only access the temporary holding cell area when there are no prisoners and only with permission of the on duty Crime Scene Bureau Supervisor. Persons on ride-a-longs are exempt from this restriction.

900.7 STATE SECURITY HOLDING FACILITY AUDIT
A security inspection of the temporary holding cell areas shall be conducted by the Department of Corrections or their designee to ensure the Department complies with Local, State and Federal regulations. A copy of the most recent inspection report is available from the shift supervisor in the Crime Scene Bureau.

900.7.1 ADMINISTRATIVE REVIEW
The department will ensure an administrative review of temporary detention areas and procedures is conducted at least once every three years.
901.1 POLICY
Members shall seek the mode of transportation which provides the most efficient response while ensuring adequate security for the type of prisoner(s) involved. The number of prisoners transported at any one time shall not exceed the manufacturer’s suggested occupancy rate of the vehicle.

Note: Transportation requests from outside agencies must be approved by the On-Duty Supervisor responsible for the transportation wagons/vehicles.

PURPOSE AND SCOPE
It is the purpose of this policy to establish guidelines for the safe and efficient transportation of prisoners.

901.1.1 DEFINITION
Prisoner – Is an arrestee, detainee, or other person that is lawfully in the custody of a Department member.

901.1.2 MALE PRISONERS
Male prisoners shall be transported in security vehicles to the extent it is practical. It is permissible to transport males in transportation wagons/vans when there are multiple prisoners, when the prisoner is violent, extremely dirty, or when approved by the On-Duty Supervisor responsible for the transportation wagons/vehicles.

901.1.3 FEMALE PRISONERS
Female prisoners shall be transported in security vehicles to the extent it is practical. Transportation wagons/vans may be used under the same circumstances as provided for males.

901.1.4 JUVENILE PRISONERS
The same guidelines listed in this policy which govern the transportation of adult prisoners shall apply to the transportation of juvenile prisoners.

901.1.5 TRANSGENDER PRISONERS
Transgender prisoners will be transported alone in security vehicles to the extent it is practical. In situations with multiple prisoners, mass arrests, or where individual transport is not practical, transgender prisoners will be transported by gender classification. Refer to Policy Manual §455.

901.1.6 SEPARATION OF MALES / FEMALES / JUVENILES
Male prisoners may only be transported with female prisoners in vehicles equipped with separate compartments that allow for no contact between separated prisoners.

901.2 RESTRAINT OF PRISONERS
901.2.1 HANDCUFFS
Refer to Policy Manual §306
901.2.2 LEG RESTRAINT (I.E. “RIPP” HOBBLE RESTRAINT)
Refer to Policy Manual §306

901.2.3 TEMPORARY PLASTIC RESTRAINING STRAPS
When a large number of persons are arrested at one location, they may be handcuffed with plastic restraints (e.g. Flex Cuffs) available from the PECS. Suspects arrested in this manner should be restrained with their hands behind their back, with the wrists crossed and the palms facing outward. Caution should be taken to ensure that the straps are adjusted to restrict movement and prevent removal with allowance for adequate circulation. Refer to Policy Manual §306.

901.2.4 EXPECTORANT SHIELD (I.E. SPIT HOOD/ MASK)
When a prisoner attempts to bite and/or spit on members the Department approved expectorant shield may be used to protect the safety of the member. Refer to Policy Manual §306.

901.3 MEMBER/PRISONER SEPARATION
All prisoners transported in Department vehicles utilized for prisoner transport shall be seated behind the protective screen in the secured seated area where they may be observed by the transporting Department member(s). The Department member(s) shall be seated in front of the protective screen portion of the vehicle (e.g. driver in driver’s seat, and if applicable, assisting officer in the front passenger seat).

Exception: With supervisor approval, a prisoner may be transported in other than secured areas within the vehicle where this is the most efficient and safe way to transport the prisoner (e.g., where the age of the prisoner or physical condition would limit his/her ability to safely enter the rear prisoner transport compartment of the vehicle and there is no other practical mode of transportation).

901.4 PRISONER COMMUNICATIONS
Prisoners may, at the Department member’s discretion, be allowed to talk briefly with family or significant others at the scene of their arrest to make necessary arrangements for the control of property, vehicles, etc.

Delays or special concessions for prisoners to communicate with attorneys, family members or others will not be made during transportation.

901.5 RESPONSIBILITY DURING TRANSPORT / DELIVERY OF PRISONERS
Members are responsible for the safe delivery of prisoners and the prisoner’s property under the member’s control. Members shall exercise due care and caution in transporting and processing prisoners to prevent personal injury or property loss by any prisoner for whom they are responsible.

901.6 SEARCH OF PRISONER(S) AT HQ / PRISONER PROCESSING
Primary responsibility for searching prisoner(s) rests with the transporting member who delivered the prisoner to HQ or the Prisoner Processing Section.

901.7 PRISONER TRANSPORTS TO FCJ/JJC
When a member transports a prisoner(s) to FCJ/JJC, he/she is responsible for the safety and security of the prisoner(s) until he/she is turned over to the receiving agency.

901.8 SUICIDAL PRISONERS
Suicidal prisoners shall be handled consistent with Policy Manual §418.
1000.1 POLICY
Candidates for job openings will be selected based on job qualifications, merit, ability, competence and experience.

1000.1.1 PURPOSE AND SCOPE
In accordance with applicable federal, state and local law, the Fresno Police Department shall provide equal opportunities for applicants and its employees regardless of race, sex, sexual orientation, gender, gender identity or expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, military and veteran status, or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards. The rules governing employment practices are maintained by the Fresno Police Department.

1000.2 RECRUITMENT
The Department will conduct active recruitment and selection strategy to reach all appropriate sources to obtain qualified employees, including minorities, females, disabled veterans, and older workers, on a nondiscriminatory basis. Efforts toward equal opportunity shall be designed to meet the City of Fresno’s staffing needs at all levels.

The strategy should include:
- Identification of racially and culturally diverse target markets;
- Use of marketing strategies to target diverse applicant pools;
- 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;
- Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military;
- Employee referral and recruitment incentive programs; and
- Consideration of shared or collaborative regional testing processes.

The Department shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.3 SELECTION PROCESS
The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:
- A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record);
- Driving record;
- Reference checks;
• Employment eligibility verification, 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;
• Information obtained from public Internet sites;
• Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC §1681 et seq.);
• Local, state and federal criminal history record checks;
• Polygraph test (when legally permissible) (Labor Code§432.2);
• Medical and psychological examination (may only be given after a conditional offer of employment); and
• Review board or selection committee assessment.

1000.4 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 Fresno Police Department (11 CCR 1953).

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 Fresno Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

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 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; and
• Other relevant considerations.

A candidate’s qualifications will be assessed on a case-by-case basis, using a totality-of-the circumstances framework.

1000.6 STANDARDS
Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Fresno Police Department and City of Fresno, maintain standards for all positions.

The dilemma facing the Department is one of developing a job valid and nondiscriminatory set of policies, which will allow it to lawfully exclude persons who do not meet the Fresno Police Department, City of Fresno, the State of California, and Federal (ADA) hiring standards. The California Commission on Peace Officer Standards and Training (POST) developed a job dimensions list, which are used as a professional standard in background investigations.
The following standards have been adopted for some public safety applicants:

- Operation of a motor vehicle;
- Integrity;
- Credibility as a witness in a court of law;
- Dependability;
- Learning ability;
- Personal sensitivity;
- Judgment under pressure; and
- Illegal use or possession of drugs.
1002.1 POLICY
Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to race, sex, sexual orientation, gender, gender identity or expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, or military and veteran status.

1002.1.1 PURPOSE AND SCOPE
The purpose of the evaluation system is to record work performance for both the Department and the employee giving recognition for good work and providing a guide for improvement where needed. The employee performance evaluation report is a gauge in measuring performance and is used for making personnel decisions relating to merit increase, promotion, reassignment, discipline, demotion and termination. The report also provides a guide for mutual work planning and review and an opportunity to convert general impressions into a more objective history of work performance based on job standards.

1002.2 ANNUAL EVALUATION DUE DATES
Performance evaluations are required annually or quarterly for all Department members.

1002.2.1 RESERVE OFFICER EVALUATIONS
Reserve officer evaluations are covered in the Reserve Officer Operations Manual.
Grievance Policy

1006.1 POLICY
All grievances will be handled as quickly and fairly as possible without discrimination against members who file a grievance whether or not there is a basis for the grievance.

1006.1.1 PURPOSE AND SCOPE
Our Department’s philosophy is to promote free communication between members and supervisors when a dispute arises while seeking a timely but equitable resolution.

1006.1.2 GRIEVANCE DEFINED
A grievance involves the claimed misapplication or misinterpretation of a rule or regulation relating to an existing right or duty; it does not relate to the establishment or abolition of a right or duty. (Fresno Municipal Code § 3•618).

Grievances may be brought by an individual member or by a group representative.
1008.1 POLICY
Any member who believes that he/she came into contact with bodily fluids of an individual shall contact a supervisor and complete the required forms.

1008.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide for the reporting of contacts with the bodily fluids of individuals and an HIV testing procedure in accordance with the Legislature’s declaration of a public health crisis in Penal Code §7500, et seq.

1008.2 REPORTING REQUIREMENTS
Any member who believes that he/she came into contact with bodily fluids of an individual shall complete a Fresno/Kings/Madera Emergency Medical Services form titled Confidential Communicable Disease Exposure Report (herein referred to as Confidential Report).

1008.2.1 CONFIDENTIALITY OF ALL REPORTS
All information obtained and reported pursuant to this policy shall be kept confidential and may not be released except as provided by law (Penal Code §7517).

1008.2.2 MISDEMEANOR TO FILE FALSE REPORT
Any member who willfully files a false Confidential Report or a false request for HIV testing may be subject to discipline as well as misdemeanor criminal sanctions (Penal Code §7540).

1008.3 AVAILABLE COUNSELING
In addition to any other available employee assistance programs, personal counseling maybe available through the Fresno County Health Services Agency to any law enforcement employee who has filed a Confidential Report.

1008.4 PROCEDURE TO DETERMINE TESTING
Within three calendar days of receipt of the Confidential Report, regardless of whether or not a request for testing was made, the Fresno County Health Services Agency shall determine whether or not the involved individual shall be required to submit to HIV testing.

Any individual ordered by the Fresno County Health Services Agency to submit to HIV testing has three calendar days to appeal such an order. If no appeal is filed in a timely manner, the order of the Fresno County Health Services Agency shall become final.

Any Fresno County Health Services Agency order may be appealed by the individual or the involved employee to the Superior Court which is required to review the matter as expeditiously as possible (Penal Code §7516.5).

1008.5 TESTING PROCEDURE
In the event that an individual is ordered to be tested for HIV, such tests shall consist of a blood sample withdrawn in a medically approved manner by a licensed physician, nurse, medical technician, or phlebotomist (Penal Code §7530).

All test samples shall be submitted to Fresno County Health Services Agency for the conducting of HIV testing.
1008.5.1 REFUSAL TO SUBMIT TO TESTING
Any person who has been ordered to submit to HIV testing and, who refuses to submit to such testing shall be subject to revocation of bail, probation, or other sentence [Penal Code §7519(a)]. The department must then process a Confidential Report of Court-Ordered HIV Testing through the Legal Advisor in order to obtain a specimen.

The refusal of any probationer or parolee to submit to required HIV testing shall be considered a violation of probation or parole.
1010.1 POLICY
All members shall be required to notify the Department of any past and current criminal convictions.

1010.11 PURPOSE AND SCOPE
Convictions of certain offenses and/or restraining orders that may restrict or prohibit a member’s ability to properly perform official duties must be reported to the employee’s immediate supervisor or the Chief of Police his/her designee as soon as practicable.

The Personnel Bureau shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR 1003).

The Personnel Bureau shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

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
Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendre plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on a member’s ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member’s ability to possess a firearm.

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.
1012.1 POLICY
It is the policy of the Department to provide a drug- and alcohol-free workplace for all members.

1012.1.1 PURPOSE AND SCOPE
The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.
1013.1 POLICY
Employees shall be allowed to take time off in accordance with their applicable MOU.

1013.1.1 PURPOSE AND SCOPE
To describe and outline to employees the circumstances and conditions under which leave will be afforded to an employee.

1013.2 ANNUAL VACATION
Employees shall be allowed to take at least one annual vacation during the time period they have reserved on the vacation signup list.

1013.3 OTHER TIME OFF REQUESTS
Requests for unscheduled time off may be made up to 14 days in advance of the requested date. If the unscheduled time off is granted, employees must submit an Over Time / Time Off (OTTO) request to their supervisor before the date of the time off.

The Duty Officer may authorize time off when the citywide staffing level for the specific shift is above the minimum level. Only the Patrol Division Commander or his/her designee can approve requests for time off at/below the minimum staffing buffer.

1013.4 LEAVE WITHOUT PAY
Less than 10 Consecutive Days - Employee requests for leaves without pay (LWOP) for less than 10 consecutive days shall be forwarded to their division commander for consideration of approval. Upon approval, the request shall be forwarded to the Fiscal Affairs Bureau for processing.

10 or More Consecutive Days - Use of LWOP for periods longer than 10 or more consecutive days must be submitted through the member’s chain of command with final approval consideration by the Chief of Police.

Leave without pay shall not be approved if the employee has a balance of vacation, compensatory time or holiday time unless prior authorization has been obtained from the City manager.

1013.5 ABSENCE WITH SUBSTITUTE (AWS)
As provided in the Basic Unit 4 MOU and FCEA Unit 3 MOU, employees may provide a substitute employee to work for another when staffing levels do not permit the employee to take time off. The substitute must be satisfactory to the Department.

All AWS shifts must be documented using the OTTO system. This shall include when employees trade shifts with no time transfer. The substitute employee shall not give away, sell or redistribute the AWS shift in any fashion.

The employee who is assigned to the shift is responsible for ensuring the shift is covered until both employees sign the OTTO entry. This step is an acknowledgement by the substitute employee that they are responsible for the shift.

Should the substitute employee become unable to work the AWS shift:
- The involved personnel should first attempt to resolve the matter between themselves to ensure the shift is covered;
• If the matter cannot be resolved between the involved personnel, the substitute employee will notify their District Commander or the on duty Field Commander, as well as the Duty Office; and
• When the AWS cancellation is within 72 hours of the agreed upon shift and results in order back to fill the shift, the substitute officer will be suspended from working AWS for the following 90 days.

Time transfers in OTTO for shifts or time not worked is strictly prohibited, other than approved time donations.

1013.6 MILITARY LEAVE
Military leave requests will be handled in accordance with Fresno Municipal Code (FMC) §3-111.

1013.7 GUARANTEED LEAVE
Two times during each patrol matrix semester, employees assigned to patrol, may submit a request for guaranteed leave as outlined in the Basic Unit 4 MOU.

Two times during each fiscal year, employees covered under the FCEA Unit 3 MOU may take time off to attend a major family or social event, subject to the conditions listed under the “Family Events” section of this MOU.

1013.8 LEAVE OF ABSENCE DURING PROBATION
Time spent on any leave of absence shall not be considered as a part of any probationary period, and such time will be added to the probationary period.
Sick Leave Reporting

1014 POLICY
Sick leave usage and absenteeism can adversely affect the Department’s ability to provide service to the public. Excessive absenteeism is costly, time-consuming, and hinders Departmental operations. Sick leave usage will be monitored, and subject to verification, if necessary. Sick leave is not considered vacation. Abuse of sick leave may result in discipline.

1014.1.1 PURPOSE AND SCOPE
Employees are provided with a sick leave benefit that provides continued compensation during times of personal or family illness. The specified numbers of hours are detailed in each employee’s Memorandum of Understanding (MOU). Sick time may only be used when an employee is unable to work due to personal injury (off-duty), illness, or a member of the employee’s immediate family (child, parent, spouse, or domestic partner) is ill and the employee must care for that individual. Sick leave shall be administered in accordance with the provisions of FMC § 3-107, Sick Leave and Special Leave, current MOU’s, City Administrative Orders, and any applicable federal and state statutes.
Communicable Diseases

1016.1 POLICY
In actual or suspected exposure incidents, proper documentation and follow-up action must occur to care for member(s), limit potential liabilities, and ensure that the best protection is available.

1016.1.1 PURPOSE AND SCOPE
It is the purpose of this policy to assist members in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury by:

• Reducing exposures to bloodborne pathogens and other potentially infectious body fluids;
• Assisting members in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment;
• Protecting the privacy rights of all members who may be exposed to or contract a communicable disease during the course of their duties; and
• Providing appropriate treatment and counseling should a member be exposed to a communicable disease.
Smoking Policy

1018.1 POLICY
Use of tobacco products are not permitted within any Department owned or occupied facility. Tobacco products shall not be used while in any Department vehicle.

1018.1.1 PURPOSE AND SCOPE
The Surgeon General has determined that tobacco smoke can be hazardous to the health of others. Tobacco products may also be offensive to some Department members and members of the public.

No person shall smoke tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including Department facility) (Government Code § 7596 et seq.).

Members in uniform are prohibited from using any tobacco products while in public view.
1020.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Department.

1020.1.1 PERSONNEL COMPLAINTS DEFINED
Personnel complaints consist of any allegation of misconduct or improper job performance against any Department member that, if true, would constitute a violation of Department policy, federal, state or local law. A major allegation is any serious act of misconduct including, but not limited to, lack of integrity, excessive force, insubordination, abuse of authority, discrimination, harassment, or criminal conduct. Major allegations should be handled formally and documented as a Receipt of Complaint.

An inquiry involves a question about the policy or procedures of the Department. This type of communication usually stems from a lack of or faulty understanding of the circumstances of a member’s conduct or of the policies, rules, and procedures of the Department. An inquiry may be resolved by the member in question or by his/her immediate supervisor, whereas a complaint may require a more extensive internal administrative investigation. A resolved inquiry may be documented on an Inquiry Complaint Form (ICF).

Inquiries about member conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a Department supervisor and shall not be considered complaints.

An unresolved inquiry arises when the actions in question are within Department policy and procedure, or are disputed and cannot be determined, and the inquirer is not satisfied with the supervisor’s explanation. An unresolved inquiry shall be documented in an ICF and forwarded through the chain of command to Internal Affairs. Resolved inquiries may also be documented in an ICF and forwarded to Internal Affairs.

1020.2 CLASSIFICATION OF COMPLAINTS
Personnel Complaints shall be classified in one of the following categories depending on how they will be handled:

Informal – A matter which can be handled at a supervisor level within a district/division and is not reasonably likely to result in disciplinary measures. Generally, complaints handled via this process include minor allegations or general violations. A finding of sustained, not sustained, unfounded or exonerated is required.

Formal – A complaint involving either a serious or general violation, which may lead to disciplinary measures, if sustained. Formal complaints should be documented in a ROC memo. Such complaints may be investigated by a Department supervisor or referred to Internal Affairs, depending upon the seriousness and complexity of the investigation.

Personnel Complaints shall be classified in one of the following categories, depending on origin:

- **Internal** - A complaint by any member, agent, officer, or employee of a federal, state, or local agency (Including the City of Fresno) acting within the scope of his or her membership, agency, office, or employment.
- **External** - A complaint against a member generated by a “member of the public”.

Personnel Complaints shall be classified in one of the following categories, depending on type of violation:
• **Non-Criminal** - An allegation of a violation of Department or City policy which, if true, would not constitute a misdemeanor or felony crime.

• **Misdemeanor** - As defined by California law.

• **Felony** - As defined by California law.

In determining whether to classify an allegation of criminal conduct to be a misdemeanor or felony, if the alleged criminal offense is a "wobbler" and can be charged as a misdemeanor or felony, it shall be classified as a felony.

1020.2.1 PERSONNEL COMPLAINTS INVOLVING RACIAL OR IDENTITY PROFILING

Any complaints involving racial or identity profiling, must document the specific type(s) of profiling alleged: based on race or ethnicity (including color), nationality, age, religion, gender, gender expression, sexual orientation, mental disability, or physical disability. Any such complaint must indicate one or more of the applicable categories:

a) Race or Ethnicity bias: Defined as a preformed negative opinion or attitude toward a group of persons, such as Asians, blacks, or whites, based on physical characteristics or toward a group of persons of the same race who share common or similar traits in language, custom, and tradition.

b) Nationality bias: Defined as a preformed negative opinion or attitude toward a group of persons based on their national origin.

c) Gender bias: Defined as a preformed negative opinion or attitude toward a group of persons based on their gender.

d) Age bias: Defined as a preformed negative opinion or attitude toward a group of persons based on their age.

e) Religion bias: Defined as a preformed negative opinion or attitude toward a group of persons based on religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being. Examples are Catholics, Jews, Protestants, or Atheists.

f) Gender identity or Expression bias: Defined as a preformed negative opinion or attitude toward a group of persons based on how that group chooses to identify or express their gender preference.

g) Sexual orientation bias: Defined as a preformed negative opinion or attitude toward a group of persons based on sexual preferences and/or attractions toward and responsiveness to members of their own or opposite sexes.

h) Mental disability bias: Defined as a preformed negative opinion or attitude toward a group of persons based on mental impediments/ challenges, whether such disabilities are congenital or acquired by heredity, accident, injury, advanced age, or illness.

i) Physical disability bias: Defined as a preformed negative opinion or attitude toward a group of persons based on physical impediments/ challenges, whether such disabilities are congenital or acquired by heredity, accident, injury, advanced age, or illness.

1020.3 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.3.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public lobby. Forms may also be available at other police, government, community facilities, and via the City of Fresno website at www.fresno.gov/police/services-special-units/internal-affairs/internal-affairs-online-complaint-form/

1020.3.2 SOURCE OF COMPLAINTS

(a) A Department member made aware of alleged misconduct shall immediately notify a supervisor.

(b) A supervisor receiving a complaint from any source alleging misconduct of a member which, if true, could result in disciplinary action.

(c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.
Supervisors assigned to handle an inquiry/complaint shall ensure that the inquirer/complainant is re-contacted within two working days of the supervisor receiving the inquiry/complaint. The supervisor is responsible for updating the inquirer/complainant of the outcome of his/her investigation and documenting their notification in the ICF. When an internal affairs investigation is completed, or a final disposition is reached on an informal complaint, Internal Affairs will notify the complainant of the disposition in writing.

1020.3.3 ACCEPTANCE OF COMPLAINTS
A complaint may be filed in person, in writing, by telephoning the Department, or at the City of Fresno website at www.fresno.gov/police/services-special-units/internal-affairs/internal-affairs-online-complaint-form/. Although not required, every effort should be made to have the complainant appear in person.

1020.2.4 COMPLAINT DOCUMENTATION
When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to insure accuracy in any complaint, a recorded statement should be obtained from the reporting party; however, a refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant’s signature should be obtained at the conclusion of the statement. Upon request, the complainant will be provided with a copy of his/her own original complaint per Penal Code §832.7.

1020.3 DISPOSITION OF PERSONNEL COMPLAINTS
Each allegation shall be classified with one of the following dispositions:

- **Unfounded** – When the investigation clearly established that the allegation is not true. Complaints which are determined to be frivolous will fall within the classification of unfounded [Penal Code §832.5(c)].
- **Exonerated** – When the investigation clearly established that the actions of the personnel that formed the basis of the complaint are not a violation of law or agency policy.
- **Not Sustained** – When the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint.
- **Sustained** – When the investigation disclosed sufficient evidence to prove the truth of the allegation in the complaint by the preponderance of evidence.
1022.1 POLICY
All members shall wear available safety restraints whenever operating a Department vehicle as outlined in this policy.

1022.1.1 PURPOSE AND SCOPE
Vehicle Code §27315.5 requires law enforcement agencies to adopt a policy concerning the use of seat belts. Additionally, the use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision.

1022.2 WEARING OF SAFETY RESTRAINTS
Under unusual circumstances or if a potentially dangerous situation is either perceived or anticipated, safety restraints may be removed to allow for a more rapid response to the situation.

All nonmembers occupying the front seat of a police vehicle shall be required to wear available safety restraints.

All persons occupying the rear seat of a police unit, to include prisoners, shall wear available safety restraints unless physical conditions would prevent such from being applied.

This section shall not apply to prisoner transportation wagons or vans pursuant to Vehicle Code §27315(g).

1022.3 CHILD PASSENGER RESTRAINT SYSTEM
Members transporting children under 8 years of age or less than 4'9" tall should make every effort to utilize an appropriate child passenger restraint system meeting current federal motor vehicle safety standards, and should attempt to obtain these restraints through all available means (e.g., on-duty volunteers, family members of the child, or CPS). Where an appropriate child passenger restraint system is unavailable or impractical based on patrol vehicle design, and the circumstances warrant the immediate transportation of a child under 8 years or less than 4'9" tall, the member may, with supervisor approval, transport the child without the use of that system, but the child shall be secured by available means and transported in an authorized emergency vehicle only.
Body Armor

1024.1 POLICY
The Department provides soft body armor for specified members in an effort to improve safety.

1024.1.1 PURPOSE AND SCOPE
Practical safety measures should be used to reduce the risks and hazards associated with police work.

1024.2 BODY ARMOR
Soft body armor vests are issued to all sworn personnel because they have been shown to be effective in reducing deaths and life threatening injuries. Personnel are only authorized to wear Department issued or Department approved body armor.
Telephone and Address Requirements

1025.1 POLICY
Members shall provide the Department with their current phone number and street (residence) address. Members using post office boxes or mailing addresses other than their street address shall also provide the Department with that information.

1025.1.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure the Department has the information necessary to effectively communicate with its members in a timely and appropriate manner.
1026.1 POLICY
It is the policy of this Department to maintain personnel records and preserve the confidentiality of member personnel records pursuant to Penal Code §832.7.

1026.1.1 PURPOSE AND SCOPE
This policy governs the maintenance, retention and access to member personnel files in accordance with established law.

1026.2 PERSONNEL FILES DEFINED
Pursuant to Penal Code §832.8, member personnel records shall include any file maintained under an individual member's name relating to:

a) Personal data, including marital status, family members, educational and employment history, home addresses or similar information;
b) Original performance evaluations;
c) Medical history;
d) Election of employee benefits;
e) Employee advancement, appraisal, or discipline;
f) Complaints or investigations of complaints, concerning an event or transaction in which the member participated, or which the member perceived, and pertaining to the manner in which the member performed official duties; and
g) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.3 EMPLOYEE RECORD LOCATIONS
Employee records will generally be maintained in any of the following:

Master Personnel File - That file which is maintained in the Personnel Bureau as a permanent record of a member’s employment with this Department.

Pre-Employment File - The Personnel Bureau maintains a separate file on each member that is restrictive to pre-employment background and history information. No other documentation may be placed in this file.

Divisional File - Any file, which is separately maintained internally by a member’s supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of a member of this Department.

Training File - Any file which documents the training records of a member.

Internal Affairs Files - Those files that contain complaints of member misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File – Any file which contains documents related to a member’s medical condition and history.

1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES
Pursuant to Penal Code §832.7, all of the above defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth.
in Evidence Code §1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the City Attorney, other attorneys employed by and/or retained by the City, or representatives of the City in connection with official business. See Policy §1026.7 for member personnel files subject to release pursuant to a proper request under the Public Records Act.

1026.5 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.

1026.5.1 REQUESTS FOR DISCLOSURE
Any request for a personnel record shall promptly be forwarded to the City Attorney's Office (CAO). Upon receipt of any such request, the affected member shall be notified as soon as practical that such a request has been made (Evidence Code §1043). The CAO shall further ensure that an appropriate response is made in a timely manner, consistent with applicable law. All requests for disclosure that result in access to a member’s personnel records shall be logged in the corresponding file. Should the CAO or any other Department or representative of the City of Fresno receive a request for member personnel records, they will notify the Internal Affairs Bureau (IAB) Commander.

1026.5.2 RELEASE OF CONFIDENTIAL INFORMATION
Except as provided by this policy or pursuant to lawful process, no information contained in any confidential member personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved member or written authorization of the Chief of Police or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this Department may be guilty of a misdemeanor (Penal Code §146(e)).

Pursuant to Penal Code §832.7(f)(1), the disposition of any citizen’s complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member’s representative) publicly makes a statement which is published in the media and which the member (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code §832.7(e)).

1026.6 BRADY MATERIAL IN PERSONNEL FILES
The purpose of this section is to establish a procedure for releasing potentially exculpatory information (Brady material) contained within confidential peace officer personnel files.

1026.6.1 DEFINITIONS
Brady Material - In the Brady v. Maryland decision (373 U.S. 83 (1963)) the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant.

The Prosecution - Refers to the District Attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this Department.

Penal Code § 1054.1 - California law also establishes a criminal defendant’s right to access potentially exculpatory evidence.
1026.6.2 RELEASE OF PERSONNEL FILES TO DISTRICT ATTORNEY
Pursuant to Penal Code §832.7(a), the only time the District Attorney (Attorney General or Grand Jury) is entitled to access confidential peace officer personnel files without filing a Pitchess motion (Evidence Code §1043 et seq.) is when they are investigating the conduct of an officer or this Department. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.

Absent a specific investigation of identified officer(s) or a specific investigation of this Department (or the consent of an involved officer), no confidential information from any officer’s personnel file shall be released to the District Attorney or Grand Jury without full compliance with the Pitchess process. The prosecution of a criminal defendant is not considered an investigation of any involved officer.

Should an officer’s credibility or other issues related to an officer’s personnel file arise in the context of an officer acting as a witness for the prosecution, access to that officer’s personnel file by either the District Attorney or the criminal defendant shall be limited to that which is authorized by the process set forth in Evidence Code §1043, et seq.

1026.7 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS
Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The IAB Commander and CAO shall determine 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. The IAB Commander shall notify the affected member as soon as practical that such a request has been made.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code §832.7(b)(7) or other law, the following records shall be made available for public inspection upon request (Penal Code §832.7):

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.
      a) Should a request concern an incident for which there is no current or anticipated administrative or criminal investigation, the records requested will be provided by the Records Manager. The records will be forwarded to the CAO for review and redaction if necessary, and then to the IAB Commander who will be responsible for final review. If a member is identified as a focus of the request, or a substantial actor in the incident as determined by the IA Commander, the member will be notified prior to the release of records and given an opportunity to object and/or otherwise respond to the production. The FPOA will be provided a courtesy copy of the notice at such time as the member(s) is notified.
   b) Records relating to an incident where a sustained finding was made by the Department:
      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 sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

For purposes of this section, a record includes:
   a) All investigation reports;
   b) Photographic, audio and video evidence;
   c) Transcripts or recordings of interviews;
   d) Autopsy reports;
e) 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, or 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;

f) Documents setting forth findings or recommending findings;

g) 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 (Penal Code § 832.7(b)(2));

h) To the complaining party, a copy of his or her own statements at the time the complaint is filed (Penal Code 832.7(c));

i) Data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against officers if that information is in a form which does not identify the individuals involved (Penal Code 832.7(d)); and

j) Factual information (facts contained in the personnel file concerning the investigation that specifically refute the false statements) concerning a disciplinary investigation if the officer who is the subject of the disciplinary investigation or the officer’s agent, publicly makes a statement he or she knows to be false concerning the investigation by the employer unless the false statement was published by an established medium of communication, such as television, radio, or newspapers (Penal Code 832.7(e)).

Upon receipt of a request for the inspection of records described in Penal Code § 832.7(b)(2), the Department (Internal Affairs Commander or designee) shall notify the affected member(s) and the designated FPOA representative of the request within three (3) business days, absent extenuating circumstances. The same members shall be notified five (5) business days prior to the anticipated release of the requested material, and shall be provided with an opportunity to review said material at the CAO.

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)(3)).

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)(4) against the officer. 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 sustained finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(4)).

1026.7.1 REDACTION

The IAB Commander and CAO, in consultation with the Chief of Police or authorized designee, shall redact the following portions of records made available for release (Penal Code § 832.7(b)(5)):

a) Personal data or information (e.g., home address, telephone number, identities of family members, driver’s license numbers, social security numbers, date of birth, and other identifying information that may be present in the investigative file) other than the names and work-related information of officers;

b) Information that would compromise the anonymity of complainants and witnesses, including non-sworn employees, however, the name of any criminal suspects will not be redacted unless necessary to preserve their confidentiality as a confidential informant if they are acting in such a capacity;

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 misconduct and serious use of force (e.g. Social Security number, HIPPA, CLETS reports);

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;
e) Information will be redacted to prevent an unwarranted invasion of personal privacy that clearly outweighs the public interest as determined by the CAO;
f) Attorney-client privileged communication and/or attorney work product;
g) Documents maintained in the IA file that are not part of the IA or the disciplinary decision, such as internal memos or e-mails and internal logs;
h) Skelly meeting recordings and notes made by the Skelly Officer will be withheld, with only the letter of intent and final disciplinary documents being produced if discipline was actually imposed; and
i) The letter of intent/notice of proposed disciplinary documents will only be produced if the officer was served with the final order of suspension/demotion/removal.

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)(6)).

1026.7.2 DELAY OF RELEASE
Unless otherwise directed by the Chief of Police, the IAB Commander should consult with the unit supervisor of the underlying investigation to determine whether to delay disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury 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 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 used the force.
   b) Filed criminal charges;
      1. When charges are filed related to an incident where 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 whichever occurs later:
         a. There is a determination from the investigation whether the use of force violated law or Department policy, but no longer than 180 days after the date of the Department’s discovery of the use of force or allegation of use of force.
         b. Thirty days after the close of any criminal investigation related to the officer’s use of force.

1026.7.3 NOTICE OF DELAY OF RECORDS
When there is justification for delay of disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury during an active criminal investigation, the IAB Commander shall provide written notice of the reason for any delay to a requester as follows (Penal Code §832.7):
   d) 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.
   e) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
      1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:
         a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing
evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about use of serious force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code §832.7(b)(7)).
1028.1 POLICY
The Department will provide equal opportunity to all eligible employees to apply for assignments in
the following divisions:

- Office of the Chief Division;
- Patrol Division;
- Support Division;
- Investigations Division; and
- Administrative Division.
Employee Commendations

1030.1 POLICY
The Fresno Police Department rewards our members for creativity, hard work, and being responsive to the needs of the community and the Department. This policy identifies those valued members that make significant contributions through their work efforts.

1030.1.1 PURPOSE AND SCOPE
Special recognition may be in order when a member performs his/her duties in an exemplary manner. This policy provides general guidelines for the commending of exceptional member performance. Supervisors shall note all written and higher commendations in the member's performance evaluation covering the time period during which the commendation is awarded.

1030.2 ACHIEVEMENT AWARDS
Achievement awards are commendations given in recognition of achieving an established level of proficiency, or for attaining an established level of performance.

1030.3 MAJOR COMMENDATIONS
A major commendation and award may be given for the outstanding performance of duty or for an action involving commendatory bravery. Such commendations shall include the conferring of a Department medal and citation, along with documentation placed in the member’s personnel file.

Below is a listing of the Fresno Police Department Major Commendation

1030.3.1 MEDAL OF VALOR
The Medal of Valor is the highest commendation awarded by the Department. It may be awarded to members who display extreme courage while consciously facing mortal danger during a police action in an effort to provide protection or preservation of life.

1030.3.2 MEDAL OF MERIT WITH VALOR
The Medal of Merit with Valor may be awarded to members who distinguish themselves by bravery or heroism during a police action, which is above and beyond the normal demands of duty. It is differentiated from the Medal of Valor in that the element of mortal danger is not present.

1030.3.3 MEDAL OF MERIT FOR MERITORIOUS SERVICE
The Medal of Merit for Meritorious Service is awarded to members for exceptional performance in other than a police action. Unlike the Outstanding Achievement Award, the Medal of Merit is reserved for projects of a larger scope, such as the conception or development of a new unit, program, or process which has greatly benefited the City, Department, and/or the law enforcement profession.
Employee Commendations

1030.3.4 OUTSTANDING ACHIEVEMENT AWARD
The Outstanding Achievement Award is given to members for exceptional performance or career achievement in an assignment which is clearly above that which is normally expected and which has contributed materially to the success of a unit, project or operation.

1030.3.5 LIFESAVING MEDAL WITH VALOR
The Lifesaving Medal with Valor is awarded to members who meet the lifesaving criteria and distinguish themselves by an act of bravery or heroism above and beyond the normal demands of duty.

1030.3.6 LIFESAVING MEDAL
The Lifesaving Medal is awarded to members whose immediate life sustaining actions result in the saving of human life. The action must be personally performed by the member and must be confirmed by medical personnel (when applicable), or by the member’s supervisor, as a life sustaining or life extending action without which an apparent loss of life could have resulted.

1030.3.7 VAN METER AWARD
The Van Meter Award is given in memory of Officer Harry Van Meter, who was the first Fresno Police Officer to be killed in the line of duty, February 21, 1907. The Van Meter Award may be given to an officer who is seriously injured in the performance of duty. The injury must be a result of unlawful force aimed at the officer which could have resulted in death.

1030.3.8 SAXON AWARD
The Saxon Award is given in honor of K-9 Saxon, who was the first Fresno Police Service Animal to be seriously injured in the line of duty, August 22, 2002. The Saxon Award may be given to a police service animal that is seriously injured in the performance of duty. The injury must be a result of unlawful force aimed at the animal, or his handler, which could have resulted in death.
1032.1 POLICY
All officers are required to be free from any physical, emotional, or mental condition, which might adversely affect the exercise of peace officer powers.

1032.1.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that all members of this Department remain fit for duty and able to perform their job functions (Government Code §1031).

1032.1.2 FITNESS FOR DUTY
A member may be scheduled for consultation with a medical service provider upon recommendation of the member's Division Commander and the concurrence of the Administrative Division Commander, when a member's behavior, actions, or performance is such that a reasonable person would have concerns regarding fitness for duty, the member's personal safety, or the safety of others. When a member is referred for a psychological or physical assessment to determine fitness for duty, the medical service provider will submit a report directly to the Chief of Police or a designated representative, and will report only diagnosis and prognosis pertaining to the member's fitness for duty.

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 the duties of their job function;
(b) Each member of this Department shall perform his/her respective duties without physical, emotional, and/or mental constraints;
(c) During working hours, all members are required to be alert, attentive, and capable of performing their assigned responsibilities;
(d) Any member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another member 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 a member or receiving a report of a member who is perceived to be unable to perform their duties shall take prompt and appropriate action in an effort to resolve the situation;
(b) When 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 member to perform his/her duties;
(c) In the event the member appears to be in need of immediate medical or psychiatric treatment, a District Commander shall be notified all reasonable efforts should be made to provide such care;
(d) The District and Bureau Commanders will make a joint determination as to whether or not the member should be temporarily relieved from his/her duties;
(e) The Chief of Police shall be promptly notified in the event that any member is relieved from duty.

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.

1032.6 LIMITATION ON HOURS WORKED
Absent emergency operations, members are limited to an accrued total of 70 work hours, including mandatory court appearances, within a work week. Of the 70 total work hours, members are not to exceed 16 hours of outside employment. Additionally, members shall have at least one non-work day during each work week.

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 temporarily relieve from duty any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, hold-over, training, general overtime and any other work assignments.

1032.7 EMPLOYEE INTERVENTION PROGRAMS
Employee Intervention Programs (EIP’s) are designed to provide support in a confidential and trustworthy environment, equipping and enabling our members to effectively address professional and personal challenges, thereby allowing them to better serve the community. By providing a variety of programs and levels of participation, the Department encourages personnel to access the services that best meet their individual needs. All EIP’s are staffed by personnel trained in law enforcement critical incidents, stress management, and peer support.

1032.7.1 COMPANION OFFICER PROGRAM
The Companion Officer Program is designed to provide peer support to members, when they have been subjected to a traumatic incident, or when otherwise requested. Companion Officers also provide informal peer support to members dealing with the day-to-day challenges and cumulative stress of the law enforcement profession.

1032.7.2 CHAPLAIN PROGRAM
The Fresno Peace Officers Chaplaincy (FPOC) provides spiritual crisis support to law enforcement personnel and the community. FPOC may also be used for the same purpose and within the same guidelines as the Companion Officer Program.

The FPOC also provides support, counseling, and referral services from their office. Their services are provided to all Department members.

1032.8 STRUCTURED ASSISTANCE FOR VALUED EMPLOYEES (SAVE)
SAVE is a mandatory intervention program for members who are demonstrating observable difficulties dealing with traumatic events, professional challenges, or personal problems, utilizing approved mental health professionals and peer groups. The program relies on supervisors to identify potential problems before they become discipline issues. SAVE will provide alternatives and solutions for individuals through a process which ensures confidentiality.

SAVE is designed to address patterns of behavior and stress incidents before they manifest themselves into discipline. Conduct which may result in discipline shall be investigated consistent with existing policy guidelines. SAVE does not modify, alter, or change these guidelines. SAVE is not a substitute for the disciplinary process. The purpose of SAVE is to:

(a) Provide training for first line personnel, supervisors, and staff, to identify stressful events and behavioral indicators before discipline is warranted; and
(b) Provide resource options to assist members in dealing with challenges in both their personal life and at work.
1032.8.1 SUPERVISOR RESPONSIBILITIES
Prior to accessing SAVE, the supervisor must have attended SAVE training.

1032.8.2 SAVE REVIEW COMMITTEE
The SAVE Review Committee will consist of the following:

(a) The Employee Services Coordinator; and
(b) A licensed mental health clinician experienced with law enforcement issues.

1032.8.3 SAVE REVIEW COMMITTEE RESPONSIBILITIES
The SAVE Review Committee will determine whether all the information provided meets the threshold set for intervention. The committee may find that:

(a) No intervention is warranted (supervisor notified); or
(b) Intervention is warranted and recommend a course of action.

Licensed Mental Health Clinician Defined
For the purpose of this order, a licensed mental health clinician will be defined as a psychologist, licensed clinical social worker or a licensed marriage & family therapist. In addition to licensure, a qualified mental health clinician shall have had specific training and/or experience working with law enforcement.

1032.8.4 MANDATORY SAVE MEETING WITH A LICENSED MENTAL HEALTH CLINICIAN
After review of the information, the SAVE Review Committee may recommend the member attend stress management training and/or meet with a licensed mental health clinician for additional assessment. This meeting is mandatory.

1032.9 CRITICAL INCIDENT REVIEW
1032.9.1 MANDATORY REVIEWS
Members involved in an Officer Involved Shooting (OIS) or other intentional use of deadly force (e.g., vehicle) are required to meet with a licensed mental health clinician before returning to full duty. These reviews will be scheduled by the Employee Services Coordinator (refer to Procedure §310).

1032.9.2 OPTIONAL REVIEWS
Members involved in other critical or traumatic incidents may be required to meet with a licensed mental health clinician before returning to full duty. Situations that may reasonably warrant a meeting with a licensed mental health clinician include, but are not limited, to the following:

- On-duty motor vehicle collisions resulting in serious injury or death to any person;
- Discharge of a firearm at an officer when injury results;
- Incident where a member causes serious injury to another person by means other than a firearm (e.g., baton, take down hold); or
- The member is involved in a physical confrontation in which he/she is seriously injured; or
- A member is involved in an incident which could be considered disturbing such as child abuse, fatal traffic collisions, life threatening disturbances, in custody deaths, or any other significant traumatic event.

When a staff member determines that an optional review is appropriate, concurrence of the involved member's Bureau and Division Commanders is required.

Critical Incident Stress Debriefings (CISD) may also be considered for the above described circumstances, subject to approval by the Administrative Division Commander. The Employee Services Coordinator (ESC) will be responsible for coordinating CISD's approved by the Administrative Division Commander.

1032.10 EARLY ALERT SYSTEM
The Department recognizes that careful monitoring of employee behavior is a necessary element of effective personnel management. In order to maximize the Department’s ability to detect and correct
deficiencies before they become significant performance issues, an Early Alert System (EAS) has been developed.

EAS is intended to provide a means of positive, confidential, non-disciplinary intervention, primarily in the form of training and counseling to assist members with performance problems. The fact that an EAS report is generated regarding a member does not necessarily indicate a problem with that member’s behavior.

1032.10.1 ADMINISTRATIVE REVIEW
When a member meets the criteria, a confidential EAS report will be prepared by the IA commander containing a synopsis of the incidents for the rolling six month period. The EAS report will be forwarded to the Administrative Division Commander. The Administrative Division Commander will review the totality of the circumstances (member’s assignment, nature of the incidents, mitigating factors, etc.) contained in the EAS report.

If the Administrative Division Commander determines the member’s behavior warrants further review, he/she shall assign a tracking number to the file and remove the member’s name and other references which may cause identification of the member to occur. The Administrative Division Commander shall notify the EAS Committee to convene at the earliest opportunity to review the (redacted) file.

If the Administrative Division Commander determines the member’s behavior does not warrant further review, he/she shall notify the IA commander. The EAS report shall be given to the member for his/her retention or destruction. Should the member wish to discuss the EAS report he/she may contact the Administrative Division Commander, without going through his/her chain of command.

1032.10.2 EAS COMMITTEE
The EAS Committee shall be composed of a Fresno Police Officer Association (FPOA) representative, a Department staff representative and a third party mutually agreed upon by the Chief of Police and the FPOA. Committee members serve a one year term, but can be reappointed for additional terms. The committee shall meet to discuss the report’s contents and the need for intervention. A majority vote is required for intervention to occur. All meetings shall be held on a confidential basis.

1032.10.3 INTERVENTION MEETING
Upon a majority vote of the committee authorizing intervention, the report shall be returned to the Administrative Division Commander. The commander shall arrange for a personal meeting with the member to discuss their behavior and identify positive ways to address that behavior. The member shall be provided a copy of the EAS report prior to the meeting with the commander. Remedial training, referral to the Department’s Employee Intervention Programs (EIP), peer counseling, and other methods which may be helpful in addressing the member’s behavior will be explored. An agreed upon action plan may be prepared by the Administrative Division Commander and the member (see attached example). If a plan is developed, the plan will only be provided to the member. The Department will not maintain the plan or any written document regarding the EAS review in any file(s). The Administrative Division Commander will not track the member’s progress nor will punitive action result from the member’s failure to follow the plan.

Once the meeting with the member occurs, the report shall be destroyed. No mention of the EAS review shall be made in a member’s performance evaluation.
1034.1 POLICY
Members should conform to the policies governing all Department employees that have been established by the City of Fresno and appropriate MOUs, regarding meals and breaks.

1034.1.1 PURPOSE AND SCOPE
Due to the nature of the Department’s mission to provide continual law enforcement and related services to the community, the provisions to provide meal periods and breaks to all employees consistent with the laws and MOUs in place, can oftentimes be difficult or impossible. However, when possible, all accommodations will be made to make certain everyone is afforded a reasonable opportunity to exercise the right to a meal period and/or breaks.

1034.2 ON DUTY MEALS
The parameters governing hours of work are outlined in each applicable MOU, including any designated meal breaks. All sworn officers, either in uniform or in plain clothes, may take a meal break under the following conditions:

(a). Officers must be in service and/or available by radio to respond to any call;
(b). Generally no more than 30 minutes shall be allowed;
(c). No more than two uniformed officers at any one time are allowed at the same restaurant; and
(d). Members leaving their patrol units shall place themselves out "portable" via their MDS or by radio with their location.

The aforementioned provisions do not apply to personnel who are authorized in the MOU to have an uninterrupted meal breaks.

1034.3 BREAKS
Breaks apply to civilian members only and are subject to the following:

(a). Two 15minute breaks are allowed during a shift (eight-hour or ten-hour);
(b). One 15minute break for each four or more hours of overtime worked;
(c). Breaks shall be scheduled by supervisors, consistent with workload, so as to minimize the disruption of service to the public;
(d). Breaks shall not be taken in conjunction with meal breaks or accumulated for use at a later time;
(e). Generally, breaks should be taken on the worksite;
(f). When there is a need to exceed the designated 15minute time limitation, supervisory approval shall be obtained; and
(g). Department vehicles shall not be utilized during breaks without prior supervisory approval.
1035.1 POLICY
The Department will provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child, for up to one year from the date of the child's birth (29 USC §207 and Labor Code §1030).

1035.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (29 USC §207 and Labor Code §§1030-1032).

1035.2 LACTATION BREAK TIME
A rest period should be permitted each time the employee has the need to express breast milk (29 USC §207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, when feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code §1030).

Employees desiring to take a lactation break shall notify Dispatch 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.

1035.2.1 REQUIRED DOCUMENTATION
Any employee desiring to take a lactation break must provide the Personnel Bureau with a note from her physician stating the employee is nursing, and in need of this accommodation. This accommodation will be valid for six months from the date of the child's birth, at which time the employee must obtain an additional note, valid for six months if she desires to continue to express breast milk during work hours. This accommodation shall not exceed 12 months from the date of the child's birth.

1035.3 PRIVATE LOCATION
The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC §207 and Labor Code §1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area within their assigned district.

1035.4 STORAGE OF EXPRESSED MILK
Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.
1036.1 POLICY
Department members will utilize the Over-Time/Time-Off (OTTO) System to account for absences, additional time, or overtime earned, according to applicable MOU’s. Members will utilize the Days-off System to account for regularly scheduled days off.

1036.1.1 PURPOSE AND SCOPE
The purpose of the OTTO and Days-off Systems is to accurately document time earned or time used by Department members and to provide timely processing of this information.

1036.1.2 RESPONSIBILITY FOR COMPLETION OF OTTO ENTRIES
OTTO entries are submitted to the Fiscal Affairs Bureau for registering the absence, additional time, overtime earned, and any leave of absence for all members.

Days-off System entries are submitted to the Fiscal Affairs Bureau on a biweekly basis for the payment of wages.

Employees are responsible for the accurate and timely submission of OTTO and Days-off entries, when these systems are unavailable.

1036.1.3 TIME REQUIREMENTS
All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Days-off System entries shall be completed and submitted to the Fiscal Affairs Bureau no later than 8:00 a.m. on the Wednesday morning after the first day of the pay period, unless otherwise specified.

In addition, absence, overtime, and pay down requests shall be completed via the OTTO System and submitted to the Fiscal Affairs Bureau no later than 8:00 a.m. on the Wednesday morning before the end of the pay period, unless otherwise specified.

As a courtesy to members, the Fiscal Affairs Bureau will send out a Department-wide voice mail each pay period indicating the due dates for such period. A written schedule shall be prepared and emailed Department wide once per year with the due dates for the full calendar period.

1036.2 SUPERVISOR RESPONSIBILITY
Supervisors are responsible for ensuring that OTTO entries are completed by employees assigned to them no later than the first day following a return from any leave of absence.

Non-patrol supervisors or their designee shall advise their commander of the work status of all assigned employees including any days off, sick leave, and leaves of absence.

1036.3 DUTY OFFICE RESPONSIBILITIES
The duty office shall record all Patrol absences on the daily detail sheet. A hard copy of this detail shall be sent to the district supervisors daily.

1036.4 AUDITING
Commanders and managers shall periodically audit the attendance records for their personnel and submit a report to their Division Commander.
1038.1 POLICY
The Department will compensate non-exempt employees who work authorized overtime either by payment of wages or by accrual of compensatory time off at the rate of time and one-half, or as otherwise specified in an applicable MOU.

In order to qualify for either, the employee must complete and submit an overtime request via the Over-Time/Time-Off (OTTO) System as soon as practical after overtime is worked. When the electronic system is not functioning, Scantron forms shall be completed.

1038.1.1 PURPOSE AND SCOPE
Because of the nature of police work, and the specific needs of the Department, a degree of flexibility must be maintained. The purpose of this policy is to assure timely and accurate overtime compensation is achieved for employees and to provide for adequate Department staffing needs.

1038.1.2 GUIDELINES
Members are not authorized to volunteer work time to the Department. Therefore time in excess of the normal work schedule will be compensated according to this policy.

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.

The individual employee may request compensatory time in lieu of receiving overtime payment with the exception of those specifically pre-designated as cash only assignments.

The maximum number of hours for compensatory time is governed by current MOU’s for each classification.

1038.2 EMPLOYEES RESPONSIBILITY
Employees shall complete an OTTO request after working the overtime and turn it in to a supervisor for approval.

Note: Failure to submit an OTTO request in a timely manner may result in a delay of compensation.

1038.3 ACCOUNTING FOR OVERTIME WORKED
Employees are to record the actual time worked in an overtime status. In some cases, the applicable MOU provides that a minimum number of hours will be paid, (e.g., two hours for court on regular duty days, three hours for automatic go and court appearances on regular days off, etc.). The supervisor shall confirm the actual time worked.

(Refer to Procedure §1036 Use of Scantrons/OTTO/Days-Off System)
1040.1 POLICY
Departmental employees engaging in outside employment, who hold full time permanent positions, shall obtain an approved City of Fresno work permit through the Personnel Bureau prior to engaging in any outside employment. These provisions do not apply to policing Special Events or Contract Law Enforcement Services (CLES).

1040.1.1 PURPOSE AND SCOPE
In order to avoid actual or perceived conflicts of interest, approval of outside employment shall be at the discretion of the Chief of Police or their designee in accordance with the provisions of Fresno Municipal Code §3-102(b) and this policy.

1040.1.2 DEFINITIONS
Outside Employment - 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.

1040.1.3 WORK HOUR LIMITS
The work hour limits prescribed in the below sections shall not apply during an emergency situation as declared by the Chief of Police, or their designee. Members shall track their work hours to ensure that they do not exceed limits established herein.

Daily Limit – Members are limited to 15 continuous work hours of all types or 15 accrued hours within a 24-hour period. When 15 continuous work hours have been accumulated, and members are off duty, work for compensation shall not resume for at least eight hours. Exception: Calls for service and mandatory court appearances shall be completed even though the 15-hour limit may be exceeded.

Weekly Limit – Members are limited to an accrued total of 70 work hours, including mandatory court appearances, within a workweek. Of the 70 total work hours, members are not to exceed 16 hours of outside employment (pursuant to Fresno City Municipal Code 3-102). Additionally, members shall have at least one non-work day during each workweek.

Exception: Members may work more than the weekly 16 hour limit of outside employment under all of the following circumstances:
- The outside employment benefits the Department;
- The member has commander approval to exceed the limit; and
- The member takes an equal amount of time off (for those hours exceeding the 16 hour limit) from their Department duties using their accrued leave hours, excluding their accrued sick leave.

Discredit & Fatigue – Members are prohibited from accepting employment or engaging in any occupation or business which reflects discredit on the member or the Department, or which employment, occupation, or business causes criticism of the member or the Department, or where the activity affects the physical condition of the member in the performance of their regular duties by reason of fatigue or other detrimental condition. The number of hours worked per week shall not exceed the hours approved on the work permit.
Working While on Leave – Members are prohibited from engaging in any off duty work [including Order Back, AWS, Contract Law Enforcement Services (CLES), etc.] or activity for which they are compensated or derive personal gain when they are:
- On sick leave (including Special Sick);
- On Family Sick/Family Care Leave pursuant to FMLA or CFRA
- On injury leave or receiving temporary disability payments; or
- On leave without pay for illness or injury.

Note: Members on Family Sick/Family Care Leave pursuant to FMLA, may not work extra duty assignments (i.e. Order Back, AWS, CLES, etc.). Exceptions to this rule require prior approval by the member's division commander.

Members on leave without pay may be permitted to engage in outside employment with the approval of the City Manager. Outside employment may not conflict with restrictions placed on the member, which prevent participation in regular duties.

1040.2 OBTAINING APPROVAL
No employee of this Department may engage in any outside employment without first obtaining prior written approval of the Chief of Police or their designee. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

Probationary members and recruits shall generally not be issued work permits, nor shall they engage in any off duty work during their probationary period. On a case by case basis, the Chief of Police or designee may approve work permits for probationary members and recruits if they do not interfere with the members duties or create a conflict of interest between the City of Fresno and the outside employer. This does not prohibit officers and recruits from performing their normal duties by working extra for the Department on an overtime basis.

Applications for work permits are available from the Personnel Bureau. Probationary members and recruits shall submit their work permit application and a memorandum through their chain of command to the Chief of Police or designee. The memorandum shall outline the reason(s) for the work permit.

Members must submit their work permit applications annually between June 1 and June 15 to the Personnel Bureau. Failure to submit the annual application during this period may result in an extended review and approval. First time applications can be turned in anytime but must be submitted before the member begins any outside employment, and also submitted again during the renewal period above.

Completed applications shall be returned to the Personnel Bureau for approval and forwarding to the City Personnel Services Division. Work permits are not valid until all required signatures have been obtained.

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)].

1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT
If an employee’s Work Permit 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 their current Memorandum of Understanding (MOU).

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any work permit may be revoked or suspended under the following circumstances:
(a) When an employee’s performance at this Department declines to a point where it is evaluated 
by a supervisor as needing improvement to reach an overall level of competency, the Chief of 
Police or their designee may, at his or her discretion, revoke any previously approved work 
permit(s). That revocation will stand until the employee’s performance has been reestablished at 
a satisfactory level and their supervisor recommends reinstatement of the work permit;
(b) Suspension or revocation of a previously approved work permit may be included as a term or 
condition of sustained discipline;
(c) If, at any time during the term of a valid work permit, an employee’s conduct or outside 
employment conflicts with the provisions of Department policy, the permit may be suspended or 
revoked; or
(d) When an employee is unable to perform at a full duty capacity due to an injury or other 
condition, any previously approved work permit may be rescinded 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 Work Permit application submitted by an employee seeking to engage in any activity 
which:
(a) Involves the employee’s use of Departmental time, facilities, equipment or supplies, the use of 
the Department badge, uniform, prestige or influence for private gain or advantage;
(b) Involves the employee’s receipt or acceptance of any money or other consideration from 
anyone other than this Department for the performance of an act which the employee, if not 
performing such act, would be required or expected to render in the regular course or hours of 
employment or as a part of the employee’s duties as a member of this Department;
(c) Involves the performance of an act in other than the employee’s capacity as a member of this 
Department that may later be subject directly or indirectly to the control, inspection, review, audit 
or enforcement of any other employee of this Department; or
(d) Involves time demands that would render performance of the employee’s duties for this 
Department less efficient

1040.3.1 OUTSIDE SECURITY 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 employment as 
a private security guard, private investigator or other similar private security position.

1040.4 CITY RESOURCES
Employees are prohibited from using any City equipment or resources in the course of or for the benefit 
of any outside employment.

1040.5 TERMINATION OF OUTSIDE EMPLOYMENT
If an employee terminates their outside employment during the period of a valid permit, the 
employee shall promptly submit written notification of such termination to the Chief of Police or 
their designee through their chain of command. Any subsequent request for renewal or continued 
outside employment must thereafter be processed and approved through normal procedures set forth 
in this policy.

1040.6 CONTRACT LAW ENFORCEMENT SERVICES
Pursuant to Fresno Municipal Code §§3-122(b) and (c), citizens may request uniformed police services 
for law enforcement, traffic safety, or crowd control purposes.

Staff Officers and sergeants shall not work in place of an officer for purposes of delivering contract law 
enforcement services.

Ride-a-longs are prohibited.

1040.6.1 OFFICER RESPONSIBILITIES
Officers performing supplemental law enforcement services during contracted assignments are 
responsible for enforcement of laws and not enforcement of rules established solely by the employer
unless specifically authorized by the Chief of Police or their designee (e.g., The Big Fresno Fair, etc.). Prohibited activities may include:

(a) Permitting unauthorized entrance to any person(s);
(b) Taking tickets; and
(c) Ejecting patrons only on the employer’s request (absent a criminal violation).

Absent the aforementioned authorization, members shall not perform any duties outside of enforcing the law or providing those services that are normally performed by on-duty officers. The same regulations and procedures that apply to officers working patrol assignments shall apply to contractual work arrangements.
1042.1 POLICY
All work related injuries must be reported to the member’s supervisor and a claim form shall be provided to the injured member within 24 hours from the time the injury was discovered.

1042.1.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure proper medical attention/reporting is received for on-duty injuries or deaths, along with documentation describing circumstances of the incident.

Documentation shall be completed to ensure compliance with Workers’ Compensation Fund and Risk Management requirements.

1042.2 FAILURE TO COMPLY
Labor Code §5400 makes failure to comply with the 24 hour reporting procedure a misdemeanor. Additionally, disciplinary action may be taken for a member’s failure to comply with this policy.

1042.3 DEFINITIONS
Accident - Is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

Long Term Absence - Refers to any member who is incapacitated and unable to perform his/her regular duties for more than one week (e.g., 40 hours of work), due to an on-duty or off-duty injury or illness.

1042.4 LONG TERM ABSENCE MEMBER (LTA MEMBER)
When an employee is on long term absence (LTA), the LTA Coordinator is responsible for tracking the member’s recovery progress to ensure appointments and necessary documents are completed in a timely manner. The LTA Coordinator will retain such responsibilities until the employee returns to full duty or it is determined by a medical professional that the employee is permanently unable to return to full duty.

1042.4.1 TEMPORARY MODIFIED DUTY ASSIGNMENTS
The Department may offer temporary modified duty assignments to members who are unable to perform their usual and customary duties. All temporary modified duty assignments will be made by the Personnel Bureau, or as otherwise directed by the Chief of Police.
1044.1 POLICY
Members of this Department shall maintain their personal hygiene and appearance to project a professional image appropriate for this Department and for their assignment.

1044.1.1 PURPOSE AND SCOPE
Unless otherwise stated, the following appearance standards shall apply to all members, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1044.2 GROOMING STANDARDS
Members shall present a neat, professional and businesslike appearance whether in uniform or plainclothes.

Civilian members shall conform to the same standards as sworn members except that provisions regarding easy handholds for hair length do not apply.

Members assigned to a special unit or detail, while in an undercover capacity may, with their commander’s permission, be exempted from this policy section on a case-by-case basis for the duration of the undercover assignment.

1044.2.1 HAIR
Hairstyles of all members shall be neat in appearance.

Hair shall be well trimmed so as not to present a ragged or unkempt appearance. Hair shall not be so long as to interfere with the wearing of the helmet or cap, or provide an easy handhold. Hair may be worn in keeping with contemporary styles, but not in an extreme or unsightly fashion.

1044.2.2 MUSTACHES
Facial hair shall be restricted to the wearing of a mustache. Mustaches shall be neatly trimmed. Mustaches shall not protrude below the upper lip at any given point along the upper lip. The ends of the mustache shall not extend past the bottom of the lower lip.

Exception: Handlebar mustaches shall be permitted as long as the ends of the mustache are kept above the level of the lower lip. Handlebar mustaches shall be moderate in length. No extreme styles or variations are allowed.

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 other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his/her designee. Exceptions may be made for medical conditions with a doctor’s note. Authorized facial hair will consist of a well groomed and neatly trimmed full beard. The bulk of the beard (distance that the mass of facial hair protrudes from the skin of the face) shall not exceed one-quarter inch. Should a member obtain a doctor’s note documenting a medical necessity of wearing a beard, that member will be required to update the doctor’s note every three months describing the member's medical exemption.
1044.2.5 UNIFORMS
Uniforms shall be neat, clean, and in good repair. Uniforms shall not be faded.

Members are personally responsible for maintaining their uniforms in this condition. "Leather" items shall be polished regularly, and shall not appear scuffed or dull in finish. (Refer to Policy Manual §1046).

1044.2.6 JEWELRY AND ACCESSORIES
Jewelry may be worn by members. It will not be gaudy, extreme or excessive, and be in good taste.

No more than one ring may be worn on each hand.

Jewelry shall not be attached to the uniform.

While in uniform, earrings will be limited to a single stud pierced earring worn in each lobe of a female's ear. Male members shall not wear earrings.

Appeals Process
Members wishing to wear jewelry that may conflict with this order shall request an appeal, through their immediate supervisor, to the Tattoo Review Committee according to 1044.3.

1044.2.7 BODY PIERCING
No body piercing shall be visible while any employee is on duty or officially representing the Department, except as provided for in 1044.2.6.

1044.2.8 BODY IMPLANTS, DERMAL PUNCHING, DENTAL ORNAMENTATION, BODY ART, and SCARIFICATION
Members shall not display any visible intentional scarring, mutilation, brandings, dermal punching, body implants or dental ornamentation while on duty or officially representing the Department. All items in this section shall be completely covered by wearing an approved uniform, appropriate non-uniform clothing, a plain neutral skin patch or plain neutral skin bandage (e.g., ace bandage or Band-Aid type bandage) while maintaining a professional appearance.

- Body implants are generally objects inserted beneath the skin of the hands, arms, head, face, neck, upper chest or ears resulting in a visible protrusion of the skin outlining the object for other than reconstructive purposes.
- Dermal punching is the removal of tissue for the insertion of jewelry or other objects; or for the creation of visible holes larger than a standard piercing.
- Dental ornamentation includes the affixing to the teeth of gold, platinum, or other veneers or caps used for decorative purposes. Dental ornamentation does not include braces for orthodontic reasons, veneers, or other fillings/methods used to repair a cavity or damaged teeth.
- Body art includes any markings added intentionally and that are visible such as temporary henna ink markings, Indian ink markings, or other similarly applied markings that may resemble a tattoo.
- Scarification means any intentional scarring that is similar to tattoos in that the scarring shows letters, patterns or other recognizable figures. This will also include intentional mutilation such as a split or forked tongue or stretched out holes in the ears.

1044.2.9 TATTOOS
Department members are prohibited from displaying any tattoos while on duty or representing the Department in any official capacity. Members with visible tattoos shall have the following options:

- On duty personnel shall cover all tattoos by wearing a long sleeve shirt and/or pants; or
- Cover the tattoo with a solid black full, half, or ¼ tattoo cover-up sleeve (no logos).
  - Cover-up sleeve must originate under the shirt sleeve; no skin shall be
exposed between the cover-up sleeve and the shirt sleeve.
  o Forearm tattoos must be covered with either a full cover-up sleeve or
    bandage. The bandage shall be no longer than 3"X4" and limited to one
    bandage per arm; or
  • Have the tattoos removed at the member's expense; or
  • Have the tattoo exempted by the tattoo review committee.

1044.3 TATTOO REVIEW COMMITTEE
Prior to November 1, 2008, a tattoo review committee will be formed. The purpose of the committee
is to review, on a case-by-case basis, the tattoos of any employee seeking an exemption from the
above described policy requiring all visible tattoos to be covered while on duty or when
representing the Department in any official capacity. The committee will meet at the direction of the
committee chair. The committee shall serve at the discretion of the Chief, who retains final control
over the appearance of the members of the Department.

The tattoo review committee will be comprised of five Department members. The Fresno Police
Officers' Association will appoint one member to the committee. The Fresno City Employees
Association will appoint one member to the committee. The Chief of Police will appoint three members
to the committee, including the Committee Chair.

1044.4 SUPERVISOR DISCRETION & CONTROL
It shall be the responsibility of supervisors to monitor the appearance of members under their command
to ensure that they present a professional appearance, in keeping with accepted standards throughout
the Department and the professional community.

Superiors shall instruct their subordinates to maintain these standards. Supervisors may require
members under their command to conform to more stringent standards than those described herein
when it is necessary to promote acceptance by a particular portion of the public served by a particular
unit, but shall not impose more stringent requirements based solely on personal preferences.
1046.1 POLICY
The uniform policy of the Fresno Police Department is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of Department uniforms.

1046.1.1 PURPOSE AND SCOPE
Police members 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.

Members should also refer to the following associated Policy Manual sections:
- §700 Department Owned and Personal Property;
- §701 Department Issued and Optional Equipment; and
- §1044 Grooming Standards.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT
The designation of members and/or units that are to be in uniform shall be made by the Chief of Police or his/her designee.

(a) All members of this Department authorized to wear a uniform shall possess and maintain a serviceable uniform and the necessary equipment to perform uniformed field duty at all times.

(b) All members of this Department authorized to wear a uniform shall be provided with a complete uniform specifications list during initial orientation.

(c) Uniforms are only to be worn while on-duty, while in transit to or from work, for court, at other official Department functions or events, or if authorized by the Chief of Police.

(d) If the uniform is worn while in transit, an outer garment shall be worn over the uniform so as not to bring attention to the member while he/she is off-duty.

1046.2.1 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES
Members may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform Specification List or by the Chief of Police or designee.

Members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in Policy & Procedure 701, Department Issued and Optional Equipment, or by the Chief of Police or designee.

1046.2.2 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS
Members of the Fresno Police Department may not wear any part of the uniform, be photographed wearing any part of the uniform, or identify himself/herself as a member of the Fresno Police Department to do any of the following (Government Code §§3206 and 3302):
- Endorse, support, oppose, or contradict any political campaign or initiative;
- Endorse, support, oppose, or contradict any social issue, cause, or religion; or
- Endorse, support, or oppose, any product, service, company or other commercial entity.
1046.2.3 PUBLIC FORUMS
Male members required to attend public forums shall wear a business suit, or sport coat with slacks, and tie. Female members shall wear professional clothing of modest style when attending public forums. Uniformed members shall wear a tie with a tie bar and a long sleeve shirt.

1046.2.4 CONCEALMENT OF EQUIPMENT
When outside of Department facilities, non-uniformed sworn members may wear their handgun in a visible manner when they prominently display their badge in a manner that readily identifies the member as a police officer. Otherwise, members shall wear attire that will conceal equipment such as handcuffs and firearms.
Community Service Officers

1047.1 POLICY
Community Service Officers will perform assignments which involve responsible public contact work in crime prevention and the delivery of non-emergency police services as assigned.

1047.1.1 PURPOSE AND SCOPE
CSOs work under direct supervision, performing a variety of non-emergency police services in support of the division they are assigned within the Department.

1047.2 SAFETY ISSUES
Although screening of calls shall be performed prior to assignment of a CSO, the CSO assigned shall be alert to potential hazards. When upon arrival at a call, or during the investigation of an incident, the CSO becomes aware of a potentially hazardous situation or the actual nature of the incident is found to be other than one specified for a CSO to handle, the CSO shall immediately request an officer to respond, via radio. The CSO shall take whatever steps necessary to protect him/herself including leaving the immediate area of the call.

1047.3 CSO UNIFORMS
CSOs assigned to positions in the Patrol Division shall be in uniform. The bureau commander/manager has the discretion to allow a CSO to wear plainclothes due to the variation of a duty assignment or need for the day.

(See Policy Manual § 1046 for uniform guidelines.)

These uniform regulations will be strictly adhered to.
1048.1 POLICY
The Cadet Program (Cadet I & II) is a four year maximum position (FMC §3-266) and is used to prepare individuals for a career in law enforcement, as such, cadets shall be held to the same standards of conduct as a regular police officer established in the Policy Manual.

1048.1.1 PURPOSE AND SCOPE
Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1048.2 POLICE CADET PROGRAM
The authority to appoint qualified persons to the position of police cadet is vested in the Chief of Police. Cadets progress through a two stage program; Police Cadet I and Police Cadet II (which includes police academy training).

Police cadets are prohibited from having ride-alongs.

1048.2.1 POLICE CADET I
A Police Cadet I is a non-sworn public officer who assists police personnel in nonhazardous duties.

1048.2.2 POLICE CADET II
A Police Cadet II is a non-sworn, public officer who is assigned to the police academy or has successfully completed a California Law Enforcement Basic Academy approved by the Commission on Peace Officer Standards and Training.

1048.3 SAFETY ISSUES
Although screening of calls shall be performed prior to the assignment of a police cadet, the cadet assigned shall be alert to potential hazards.

During transport, a Police Cadet II may use physical force to prevent an escape, overcome resistance, or to defend himself/herself and others from injury. (See Policy Manual §300- Use of Force).

Police Cadet II’s are allowed to possess firearms only while engaged in specific duties as outlined in Policy Manual § 312.

1048.4 CADET COORDINATOR
The Cadet Coordinator will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department.

1048.5 ORIENTATION AND TRAINING
Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On the job training will be conducted in compliance with the Police Cadet Program Manual. In addition to job specific training, information will be offered to prepare cadets to compete successfully for assignment to the Police Academy.

All training will focus on improving job performance, as well as preparation to become police officers.
1048.6 CADET UNIFORMS
Police cadet assignments will require a cadet uniform, unless specific permission is given to wear plainclothes, from the Commander or Manager of the cadet’s area of assignment. (See Policy Manual § 1046 for uniform guidelines.) These uniform regulations will be strictly adhered to.

1048.7 ROTATION OF ASSIGNMENTS
Rotating job assignments should occur every six to eight months, to enhance the career development for each cadet, as determined by the Cadet Coordinator. Department needs and concerns will take precedence over individual considerations.

1048.8 RIDEALONG PROCEDURES
All cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor.

1048.9 PERFORMANCE EVALUATIONS
Performance evaluations for all cadets shall be completed by the cadet’s immediate supervisor every three months (quarterly).
1050.1 POLICY
All members shall avoid situations which give rise to an actual or apparent conflict of interest between their professional responsibilities and their relationships with other members.

1050.1.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination, or other actual or potential conflicts of interest by or between members of the Department.

1050.2 DEFINITIONS
Relative – A member’s “relative by blood or marriage within the third degree” includes parents, children, siblings, grandparents, grandchildren, uncles/aunts, nieces/nephews, first cousins, great grandparents, and great grandchildren, as well as the spouses or domestic partners of each.

Personal Relationship – Includes marriage, dating, cohabitating, or any other intimate relationship beyond mere friendship.

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 member’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 member’s action, inaction, or decisions are or may be influenced by the member’s personal or business relationship.

Supervisor – A member who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate member.

Subordinate – A member who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

1050.3 RESTRICTED DUTIES AND ASSIGNMENTS
While the Department will not prohibit personal or business relationships between members, the following reasonable restrictions shall apply [Government Code §12940(a)];

(a) Members are prohibited from directly supervising, or being directly supervised by, any other member who is a relative or with whom they are involved in a personal or business relationship.
   1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved member to an uninvolved supervisor.
   2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Department however, reserves the right to transfer or reassign any member to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.

(b) Members are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative, or with whom they are involved in a personal or business relationship.
(c) Police Training Officer’s (PTO’s) will not be assigned to train relatives, members with whom they have (or had) a personal relationship, and/or members with whom they have a business relationship.

Members who are relatives or otherwise involved in a personal relationship, should not be assigned to work together in a specific unit or team. When they are assigned within the same Bureau, District, or shift, they shall not be assigned together as a double-unit.

1050.3.1 MEMBERS RESPONSIBILITY
Prior to entering into any personal or business relationship or other circumstance which the member knows or reasonably should know could create a conflict of interest or other violation of this policy, members shall promptly notify his/her uninvolved, immediate supervisor.

Whenever any member is placed in circumstances which would require the member to take enforcement action or provide other official information or services to any relative or other individual(s) with whom the member is involved in a personal or business relationship, the member shall promptly notify his/her uninvolved, immediate supervisor.

1050.3.2 SUPERVISORS RESPONSIBILITY
Upon being notified of or becoming aware of any circumstance which could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to resolve the conflict. Supervisors shall also promptly notify their division commander of such actual or potential violations through the chain of command.

1050.3.3 AUTHORITY TO TRANSFER
Division Commanders, or their designee, shall have the authority to transfer involved members should their relationship impair their ability to do their job, or involve potential conflicts of interest. In the case of any such transfer the Department will, to the extent reasonably possible, attempt to accommodate the affected members by maintaining their respective workdays and assigned hours.
1058.1 PURPOSE AND SCOPE
This policy is intended to provide guidelines for social media uses for the Fresno Police Department. Social media sites and applications are primarily mobile and Internet based tools for information sharing and discussion and used to reach constituents to not only disburse, but also receive information and requests. Social media combines social interaction with technology which can integrate text, audio, video and graphics or pictures. Examples of such systems are Facebook, Twitter, MySpace, weblogs, texting as well as real-time web communications such as instant messaging.

1058.1.1 APPLICABILITY
This policy applies to any member or agent of the Fresno Police Department who utilizes social media sites, tools or technology in an administrative capacity or as an agency representative. This includes 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, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

1058.2 POLICY
Any Department member or its agent authorized to post information on any Department or City social media site shall use caution to ensure the information is true, timely, and accurate, prior to posting to any social media site. Under no circumstances shall confidential information be posted on any social media site. Refer to Policy §346 for scope of release as well as restricted information.

1058.3 DEPARTMENT PROPERTY
Any information that is posted on a Fresno Police Department sanctioned social media site and/or is posted by a Department member via a City network, email or other electronic account is considered the property of the Department. All use of social media and information is governed by applicable state and federal laws and regulations as well as any usage policies and administrative orders by the City of Fresno. This includes any copyright and records retention laws. It should be noted that any information that is posted on any social media site by a Department member utilizing City Information Systems and/or accounts are subject to be discovered as governed by the Freedom of Information Act (FOIA) and the Public Records Act (PRA) which can be disclosed via a PRA request.

1058.3.1 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to anything published or maintained through file-sharing software or any Internet site open to public view (e.g., Facebook, MySpace). Any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Department at any time without prior notice. Members should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

1058.3.2 DEPARTMENT MAINTAINED SOCIAL MEDIA SITES/PAGES
All Department maintained social media sites or pages shall be approved by the Chief of Police or his/her designee and shall be administered by the Departmental Public Information Officer (PIO).

General guidelines:

1. Where possible, social media pages shall clearly indicate they are maintained by the Department and shall have Department contact information prominently displayed;
2. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies;
a. Content is subject to public records laws. Relevant records retention schedules apply to social media content; and
b. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.

3. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Department;
   a. Pages shall clearly indicate that posted comments will be monitored and that the Department reserves the right to remove obscenities, off-topic comments, and personal attacks; and
   b. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT
When using social media, members should be mindful that their post becomes part of the worldwide electronic domain. Therefore, adherence to the Department’s code of conduct is required in the use of social media. In order to meet the Department’s safety, performance and public-trust needs, the following are prohibited:

1. Posts containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals;
2. Posts involving themselves or other Department members reflecting behavior that would reasonably be considered reckless or irresponsible; and
3. Posts containing any confidential information.