# Fresno Police Department

Procedures Manual

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A. **Training Attendance**

Department members assigned to attend training, whether it is in house or being offered at another agency or organization, are required to attend the entire course. Exceptions may only be made by the member's Division Commander and only for a compelling reason. When an exception is granted by a Division Commander, a replacement to attend the training shall be provided from within the member's Division. The replacement shall be approved by the Training Section to ensure that no conflict exists (e.g., he/she has already attended the training; he/she will exceed the 80-hour P.O.S.T. reimbursement cap, etc.).

Members may be excused from class for the following reasons:

1. To attend mandatory court appearances;
2. Unforeseen illness or family emergency; or
3. With the approval of the member’s Division Commander.

Members missing class time at a course that is offered by our agency can attend a subsequent course to make up that portion missed. The Training Section should make reasonable attempts to accommodate the Department member in the next available course. Members missing class time on a course offered out of town will not be able to make up the class time and shall only be sent to the course again if it is a requirement for their current assignment. Members failing to attend scheduled training will be reported to their immediate supervisor, commander or district commander, unless authorized release is obtained prior to the training by the Training Section.

B. **Training Attire**

**Range and Physical Training**

Members attending range or physical training may wear jeans, tennis shoes and other leisure/recreational attire. However, members should change into regular duty attire prior to returning to duty unless otherwise authorized by their supervisor. Officers will wear clothing that will minimize the appearance of any tattoos.

**Other Training**

Members attending training, other than range or physical training, shall wear casual business attire such as Dockers type pants or slacks, button front shirts (short or long sleeve), or polo type dress shirts with collar, unless notified by the Training Section that other attire is permitted for that training session. Members shall comply with any noted dress code provisions when attending training provided by outside agencies/vendors.

C. **Recognition / Documentation**

The Department recognizes that legitimate training can be presented through/by a variety of sources: P.O.S.T.; California Emergency Management Agency (CalEMA); Department of Homeland Security (HLS); in-house other than the Training Section; private vendors; etc. It is the Department’s preference that, when possible, training attended by our members be P.O.S.T. certified or recognized by P.O.S.T. (e.g., CalEMA, HLS, private vendors presenting P.O.S.T. certified training). When members attend P.O.S.T. certified training, their training records are updated in the P.O.S.T. database, on the member’s P.O.S.T. profile. P.O.S.T. maintains complete course records of the training that may later be accessed for court or other legitimate purposes.

Non-P.O.S.T. certified in-house training that is conducted by specialty units (including units that are collateral assignments) within the Department shall be thoroughly documented, in a memorandum format approved by the Training Section. The specialty unit’s commander shall assign a unit member...
to complete the memorandum, listing all of the members who attended the training. The memorandum shall be submitted to the Training Section Commander no later than one week after the training is completed. The Training Section shall update the attendees’ records to reflect receipt of the training.

D. **Out of Town Travel / Training**

Out of town training/travel requests, approved by the submitting member’s Division Commander, shall be submitted to the Training Section at least 30 days in advance of the proposed training. Late requests may not be processed.

When a vehicle is required for travel, the member shall utilize an available vehicle from within his/her Division. When no vehicle is available, the member will contact the Duty Office to reserve a training/travel vehicle. Training/travel vehicles are assigned on a first come/first served basis. When a training/travel vehicle is not available, the member will need to notify his/her chain of command to make arrangements for a suitable vehicle from another division. The use of personal vehicles for travel is prohibited except for those members who have been authorized pursuant to City Administrative Order 2-2.

**Return of City Owned Vehicles**

Members utilizing a City vehicle (Division or training/travel vehicle) to attend out-of-town training must return the vehicle on the last day of training immediately following his/her return to Fresno. Members are prohibited from taking the vehicle home unless specific prior authorization has been obtained from his/her commander.

E. **P.O.S.T. Backfill**

All overtime related to P.O.S.T. training that is approved for backfill shall only be authorized by the Training Section or its designee (Duty Office). Only P.O.S.T. Plan I and Plan II courses have backfill. If there is any question, members shall consult with Training Section staff prior to authorizing overtime.

F. **Adherence to Rules**

Members shall adhere to all rules, regulations, and other direction provided by Regional Training Center personnel when attending training.
A. **Rules of Email Use**
Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, and harassing or any other inappropriate messages on the e-mail system is prohibited.

All members assigned an e-mail account shall review their e-mail messages a minimum of once during each duty shift they work. Duty related messages received by members via e-mail shall be acted upon as soon as practical or as circumstances dictate.

E-mail messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police or a Division Commander. Personal advertisements are not acceptable.

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

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed. Users of e-mail are solely responsible for the management of their mailboxes. Messages should be purged manually by the user at least once per week. All messages in excess of one month will be deleted at regular intervals from the server computer.

B. **Confidentiality Message**
E-Mail has been assessed to be public information. However, under some circumstances, to insure the confidentiality of e-mail messages, the sender should include some type of clear written notification to the recipient within the sent e-mail, that such mail should not be forwarded or altered without the express consent of the original author of said e-mail text.

This text might appear as follows:
This electronic transmission is intended for the addressee(s) named above. It contains information that is privileged, confidential, or otherwise protected from use and disclosure. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, or dissemination of this transmission or the taking of any action in reliance in its contents, or other use is strictly prohibited. If you have received this transmission in error, please notify the sender that this message was received in error and then delete this message.
A. Announcements

Department Bulletin Boards
Department bulletin boards are to be used for the posting of official Department communications and other information of official interest to members. Members shall not post any material on Department bulletin boards without the express permission of the commanding member of the bureau, section, or unit where the board is located.

Member Bulletin Boards
Items posted on member bulletin boards must be dated and may remain posted for a maximum of 30 days. These items need not be cleared prior to posting.

DCB Notices
Requests for permission to publish notices of a non-official nature on the DCB must be approved by a Records supervisor.

Office of the Chief of Police
The Office of the Chief of Police will handle all announcements regarding deaths and funerals of active members, their relatives, and inactive members. Members wishing an announcement to be made should contact the Office of the Chief of Police.

Briefing
Members who wish to address all members of a particular bureau, section, unit, or who wish a notice read to all members of a bureau, section, or unit must obtain the permission of the affected bureau, section, or unit commander/supervisor. Any supervisor receiving a notice for reading at briefing or other general dissemination shall first ensure that it has been cleared through the proper commanding member.

B. Written Communications

Confidentiality
Any piece of mail or other written communication that is addressed to a member by name shall be considered confidential and shall not be opened or read by any other member without the permission of the addressee.

Responsibility to Deliver
Supervisors and commanders shall ensure that all mail and communications are promptly delivered to the personnel under their command. When the member addressed is off duty, on days off, or on vacation, delivery may be postponed until the member returns to duty, except that members shall be advised of any matters that have a limited time reference that are received while they are absent when the member can be reached with reasonable effort.

Responsibility to Pick Up Mail
Members are responsible for picking up their mail from their supervisors or at an established mail distribution point at the beginning of each duty shift. Members on extended leaves of absence shall make arrangements with their supervisor for the receipt of their mail during their absence.

Chain of Command
Supervisory and management personnel should not send written instructions or directives directly to subordinate personnel who are not under their immediate command. These documents shall be sent to a supervisor or manager of equal rank to the sender, who is in the chain of command of the member addressed in the document. The receiving supervisor or manager shall then forward the document.
down the chain of command to the addressed member. Likewise, superiors should not send such matters directly to subordinates within their command without routing them through intermediate supervisors in the chain of command.

Subordinate members should not send written communications or requests directly to a superior not in their chain of command. These documents shall be sent up the member’s chain where they can be forwarded laterally between equal ranks. Likewise, subordinates should not skip levels in their chain of command when sending written matters upward to superiors. Responses to specific requests, however, may be returned directly to the requesting member.

These regulations may be disregarded in cases of emergencies or when specifically excepted in other procedures. Nothing in these regulations shall be construed as prohibiting lateral communications between members of different commands.

**Signatures**
All written communications within the Department shall be legibly signed by the sender or shall be signed or initialed over typewritten or printed identification. All signatures shall include name, rank, assignment and, for sworn personnel, badge number.

**Verbal Communications**
Verbal communications shall be regulated as described in Section B, Chain of Command.

**Use of the Department Address**
Members shall not use the address of the Department for any personal correspondence.

Members shall not use the address of the Department for CDL, vehicle registration, or ID cards. Members who desire DMV address confidentiality shall respond to the Personnel Bureau to obtain the necessary form and instructions.
A. **Daily Assignment Schedules**
District supervisors shall ensure contact is made with the Duty Office immediately after briefing for the completion of a city wide assignment detail.

B. **Order Back (OB)**
When vacancies cannot be filled by cross district loaning or volunteers, personnel may be ordered back. The Patrol Division Commander or designee shall decide whether to operate at preferred staffing or OB members. When OB is required, the Duty Office shall determine how the vacancies will be filled. As such, the Duty Office reserves the right to approve or cancel any OB as appropriate.

If more than one officer/sergeant expresses an interest in working the OB shift and they are determined to meet the voluntary OB criteria, officers/sergeants will be selected by the Duty Office based on a lottery system.

**Voluntary OB**
Officers and sergeants expressing an interest in working OB must be eligible as established by the following criteria:

- Eligible officers and sergeants are those who are on scheduled time off when accepting the OB.
  - This includes those officers and sergeants who are off on scheduled annual vacation.
  - Additionally, all members must take at least one of their regularly scheduled days off to be eligible; and
- Ineligible officers and sergeants are those who are already scheduled to work per the Matrix/special unit work schedule, those who will have worked more than 15 hours in a 24 hour period if the OB was accepted, and those who are out for administrative purposes, sick, or injured.
  - Ineligible members shall not bid or state they are available to work in violation of this order.

Eligible personnel who desire to work Voluntary OB shall call the Last Minute/Anticipated OB Line at voicemail (VM) 621-7423 and express their availability.

- This excludes availability for half shifts, which will not be accepted nor recorded.
- The OB Log will be compiled from these messages left not more than fourteen days in advance, beginning at midnight.
- Any messages sent by the “future delivery” option, or marked “urgent” will not be accepted.
- A separate list will be kept for officers and sergeants.
- All vacancies for officers and sergeants will be filled from the compiled lists, in accordance with the above stated.
- In the event of anticipated order back, the Duty Office will fill the vacancy based on the OB log/list as it exists at the time the Duty Office is made aware of vacancies. This will be done up to 7 days in advance of the vacancy. For the purpose of this section, anticipated order back is any vacancy known about more than 24 hours in advance.
- Any OB accepted by officers and sergeants is to be worked in its entirety by the accepting member.
- When unable to work the OB for any reason, the member shall notify the Duty Office immediately.
- The OB shall not be given away, sold, or redistributed in any fashion by the accepting member.
- The Duty Office will determine who will be awarded the OB, utilizing the lottery system, if more than one officer/sergeant is interested in working OB.
Any disputes regarding the issuance of OB by Duty Officers are to be directed through the chain of command to the Duty Office Sergeant. The Duty Office Sergeant shall direct unresolved disputes to the Patrol Bureau Commander or the Chief's designee.

**Mandatory OB**
When the Duty Office is unable to satisfy minimum staffing needs through voluntary OB, they shall notify the Patrol Division Commander or designee who will decide how to proceed. Based on Departmental need, the commander may elect to use preferred staffing, or have the vacancy filled by the sergeant experiencing the shortage. This may be accomplished by directing an officer be ordered to work the last half of a shift, or by members being contacted at home.

Personnel ordered back in this fashion shall work the additional time. When a conflict occurs, the member experiencing the conflict may notify the supervisor issuing the order. Unresolved conflicts may be brought to the attention of the Field Commander whose decision is final.

**Additional Staffing for Other Than Normal Service**
When it is necessary to hire additional staffing for:

1. An emergency situation, such staffing will be at the direction of the Chief of Police; or
2. A situation which is known to exist prior to the actual need (i.e., planned events, park crowd control, etc.), attempts will be made to solicit volunteers.
   a. When all vacancies cannot be filled by volunteers, personnel will be ordered back to fill the remaining vacancies.
   b. When both volunteers and ordering back of personnel does not satisfy the additional staffing required, because of insufficient members or the time frame of the situation, personnel will be ordered back from their days off with a minimum of 48 hours prior notice when possible.

**C. Officer and Sergeant Responsibilities**
In order to maintain accurate records, personnel are to notify the Duty Office, as required in Procedure §1014 (Sick Leave) and Policy §1013 (Leaves of Absence), of any changes to their schedule.

Schedules will be posted on the Department’s computer on the L drive, Library, at Patrol Matrix. All Patrol Matrix officers and sergeants discovering any errors to their schedule are to notify the Duty Office of the discrepancy.
A. Carry Concealed Weapon (CCW) License Restrictions

If a person in possession of a CCW and a weapon violates any of the restrictions outlined within the application for the CCW, the officer has the right to confiscate the weapon and license for safe keeping.

In general, these restrictions state the licensee shall:

1. Not have alcohol or drugs in system while carrying the weapon;
2. Not represent self as a peace officer at any time;
3. Not violate any local, State, or Federal laws;
4. Not be under the influence of any medication which is labeled with a warning not to operate a motor vehicle or other machinery;
5. Not impede any law enforcement officer in the performance of their duties;
6. Not refuse to display or surrender their permit and weapon when requested to do so by a peace officer;
7. Not unjustifiably display a deadly weapon;
8. Immediately notify a peace officer, with whom the licensee comes in contact, that the licensee is armed and has a permit in their possession;
9. Not carry weapon on any public school, private school, college, or university;
10. Not carry weapon into any courthouse;
11. Not carry weapon in a place having a primary purpose of dispensing alcoholic beverages for on-site consumption;
12. Not carry weapon while attending any social or public function where weapons are prohibited; and
13. 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 airline personnel.

B. Documentation

When a concealed weapons license and/or weapon is confiscated, and no crime has taken place, a GI report will be written including the reason for confiscation.

C. Confirmation of License

A CCW License can be checked through ComCen. The following information should be obtained:

1. Expiration date; and
2. Restrictions (e.g. during business functions, only while at a specified location, etc.)

D. CCW Application Inquiries

Members should advise interested citizen’s that CCW applications can be obtained online through the City of Fresno website or by contacting the CCW Coordinator at 621-6562. A concealed weapons license can only be issued by the Chief of Police, pursuant to Penal Code §§26150 et seq. and 26155 et seq., and after successful completion of a background check conducted by the CCW Coordinator.

E. Application Processing

Upon receipt of a properly completed initial application and payment of all fees the CCW Coordinator shall, within a reasonable time, submit all required documents and appropriate fees to the California Department of Justice (DOJ) for a clearance. The Chief of Police shall not issue a CCW license until:

1. Clearance from the California Department of Justice has been received; and
2. The applicant produces evidence of successful completion of a firearm training course pursuant to Penal Code §26165 and certified by the state as meeting the Basic Handgun Safety Certificate requirements including the actual firing of weapons.

Note: Certified CA DOJ Handgun Safety Instructors are exempt from the training requirement.
Pursuant to Penal Code §26165(d), the applicant shall not be required to pay for any training for purposes of receiving a CCW License prior to the Chief’s written determination of good cause provided to the applicant.

F. **Background Investigations**
In addition to the CA DOJ background check, the CCW Coordinator shall also conduct a local background investigation of every CCW applicant. This check will include the sharing of information with the Fresno Sheriff’s Office (FSO) regarding applicants and existing CCW License holders.

**Disqualifying Information**
In situations where the Federal, State or local background check 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 inform the applicant in writing that the request for a license has been denied and state the reason from the Department policy as to why the determination was made.

**Written Notice**
Pursuant to Penal Code §26205, the Chief of Police 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 CA DOJ, whichever is later.

G. **Issuance**
All CCW licenses and renewals thereof shall be valid for a period allowed under Penal Code §26220. CCW licenses issued for personal use shall be valid for two (2) years; CCW licenses issued to Judges and Magistrates shall be valid for three (3) years; and CCW licenses issued to peace officers shall be valid four (4) years.

H. **Weapons**
Due to possible breakage, different weather conditions and dress conditions, different concealable weapons may be authorized for carrying under a Single Carry License. As the state application for a CCW license requires the Manufacturer name, serial number and caliber of weapons carried, multiple weapons may be listed on a CCW license.

(1) **AUTHORIZED WEAPONS CHANGES:** All changes in weapons authorized to be carried must be made pursuant to an amended application as required by State law.

(2) **RENEWAL:** All CCW license renewals shall be made within a time period of sixty (60) days before the expiration date of the CCW. In addition to the CA DOJ fees for renewal, a non-refundable fee of $25.00 payable to the City of Fresno (initially set by the City in the Master Fee Schedule designated in the Master Fee Resolution), is due at the time of renewal.

I. **Records**
The CCW Coordinator shall maintain records of:

(1) The denial of a license;
(2) The denial of an amendment to a license;
(3) The issuance of a license;
(4) The amendment of a license; and
(5) The revocation of a license.

Copies of each of the above records shall be filed immediately by CCW Coordinator with the CA DOJ.

The CCW Coordinator shall submit to the Attorney General the total number of licenses issued to peace officers, and to judges pursuant to Penal Code requirements.
J. **Confidential Records**
The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, commissioner, or judge contained in an application or permit shall not be considered public record [Government Code §625(u)(2)].

Any information in an application or permit which tends to indicate when or where the applicant is vulnerable to attack or that concerns the applicant’s medical or psychological history or that of his/her family shall not be considered public record [Government Code §6245(u)(1)].

K. **Members with CCW Licenses**
Non-sworn members with a valid CCW license shall not carry their personal firearm at work.
A. **Maintaining a CCW Endorsement**
   In order to maintain a "CCW Approved" endorsement on an identification card, the retired officer shall:
   - Qualify annually with the authorized firearm at a course approved by the Department at the retired officer's expense. Upon verification by the Department that all annual requirements have been met by an otherwise qualified retired officer, the "CCW Approved" endorsement shall be re-stamped and dated (18 United States Code 926C);
   - Remain subject to any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency [Penal Code §26305(b)]; and
   - Only be authorized to carry a concealed firearm inspected and approved by the Department.

B. **Identification Card Format**
   The identification card issued to any qualified and honorably retired officer shall be approximately two inches by three inches and minimally contain the following [Penal Code §25460(c)]:
   - Photograph of the retiree;
   - Retiree’s name and date of birth;
   - Date of retirement;
   - Name and address of this Department; and
   - A stamped endorsement "CCW Approved" along with the date by which the endorsement must be renewed (not more than one year).
   - In the case in which a CCW endorsement has been denied or revoked, the identification card shall be stamped, "No CCW Privilege."

C. **Retired FPD Officers Living Outside of Fresno County**
   Those officers living outside the City of Fresno, who wish to maintain a CCW endorsement, must meet the same requirements as those officers who live within our jurisdiction. The retired officer must:
   - Contact the Personnel Bureau and request a CCW packet;
   - Contact local law enforcement agency of residence and schedule a range qualification date; and
   - Have the local agency of residence return the required paperwork to the Department by mail.

The CCW packet contains the following forms:
   - **Range Qualification Request Letter** - This letter should be presented to the local law enforcement agency, by the retired officer, as a formal request to allow range qualifications per HR 218. The local agency should gather a photograph and fingerprints, and conduct a local criminal history check.
   - **Affidavit of Compliance** - As required by HR 218, the retired officer must present an affidavit to the local agency, declaring that the officer is "honorably retired" and qualified to carry a concealed weapon in compliance with HR 218. The Personnel Bureau will complete the top portion of the form, checking the appropriate boxes, prior to including the form in the packet. The retired officer will sign the form and have it notarized. This form should be kept by the local agency with the range qualification records.
   - **Range Form** - The range form should be presented to the local agency as a way to document the identification of the retired officer and show successful range qualification. This form shall be completed by the agency and returned, along with photograph and fingerprints, by mail, to the Fresno Police Department, Personnel Bureau. These must be mailed by the local agency, not mailed by the retired officer.
D. **Out-of-Town Agency Retired Officers**

It shall be the policy of this agency to provide reciprocal services to retired law enforcement officers from other jurisdictions who 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, the Law Enforcement Officers Safety Act (LEOSA), who present this agency with a signed affidavit of compliance, shall be provided the services outlined in Procedure §220, to include:

- Verification of identification;
- Range qualification; and
- Completion of a Liability Waiver.

E. **Range Qualification:**

The Fresno Police Department Rangemaster will schedule triannual (every four months) range qualification times. Range times for the retiree qualifications will coincide with regularly scheduled triannual training/qualifications.

Qualified retired officers will be allowed to qualify with not more than two concealable firearms, as time and scheduling permits. Such number shall be the decision of the Rangemaster. Retired officers must:

- Bring their own handgun(s), either a revolver or a semi-automatic capable of being loaded with 5 or more rounds;
- Bring 50 rounds of factory-issued ammunition for the weapon for qualification;
- Bring their own cleaning supplies;
- Have a safe and secure holster; and
- Present all handguns and holsters for inspection by the Rangemaster.

**Pass/Fail Qualifications**

The Fresno Police Department Rangemaster shall keep a database of qualified retired officers, qualification dates, qualification course fired, pass/fail score, and the make, model, type and serial number of the firearms used to qualify.

Qualified retired officers will be required to sign a Liability Waiver and Release Form of the Fresno Police Department for all acts taken related to carrying a concealed firearm, acknowledging their personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by the LEOSA and not as an employee or former employee of the Fresno Police Department or as a current law enforcement officer (unless currently employed as a law enforcement officer of another agency). Such disclaimer shall also release the Fresno Police Department from any claim resulting from any injury or accident during the described firearms qualification activities.

**Failure to Qualify and Remedial Training**

Qualified retired officers will be given a reasonable number of attempts, but not less than three, at qualifying during the scheduled qualification dates, subject to range availability and the Rangemaster’s time constraints. Any number beyond three attempts will be the decision of the Rangemaster, appealable only to the Chief of Police, whose decision is final.

- Should the retired officer fail to qualify, he or she will be allowed to attempt to qualify at the next scheduled range qualification or at a date scheduled by the Rangemaster.
- Upon the third or final failure, the Rangemaster or designee will submit a memo to the Chief of Police outlining the failure to qualify.

**Restrictions**

The Rangemaster or armorer’s determination will be final as to the inspection and safety of the equipment. Any weapon, holster, ammunition, or related equipment found unsafe for qualification and carry will be prohibited on the Range and noted, in writing, on the qualification record. The retired
An officer will be notified and required to sign a statement acknowledging the unsafe condition of the equipment and the reason for such removal and prohibition.

The Law Enforcement Officers Safety Act does not authorize the retired officer to:

- Carry a machine gun, silencer, or other destructive device;
- Act in the capacity of a law enforcement officer of the Fresno Police Department;
- Carry a firearm on any government property, installation, facility, building, base or park with laws or regulations prohibiting or restricting the carrying of firearms (such as airport boarding areas, courthouses, etc.); or
- Carry a firearm on any other public or privately owned property, facility, building or area, where the carrying of firearms is prohibited or restricted (such as private schools, commercial aircraft, etc.).
A. Legal Advisor

Field Observation & Assistance

The Legal Advisor shall observe Department field procedures and operations for the purpose of determining whether they are in compliance with existing legal requirements. The Legal Advisor shall maintain communication with members of the Department for the purpose of determining the existence of any legal problems and to provide solutions. The Legal Advisor may be consulted with regard to any legal problem which occurs in the field. When possible, consultation should be made prior to taking action where problems of probable cause, arrest, search and seizure, and civil liability are likely to occur. The Legal Advisor shall be present at the scene of any police activity of great magnitude for the purpose of advising the incident commander with respect to any existing or projected legal concerns.

Field Response

The Legal Advisor shall be notified and shall respond in the field when:

- The use of deadly force by or against any member of the Department results in death or great bodily injury;
- Any vehicle accident involving members who are operating Department vehicles (whether on duty or off duty) results either in death or serious personal injury;
- Any SWAT action is initiated; and
- Requested by a commander.

Responsibility for notifying the Legal Advisor shall be that of the field commander, except when part of a multiple call out initiated by the CSU.

Civil Disturbance

In the event of a riot, civil disturbance, disorder or unlawful assembly, the Legal Advisor shall report to the incident command post or the Office of the Chief. The Legal Advisor shall act as liaison with the Office of the City Attorney, the DA, and courts for the purpose of establishing legal directives necessitated by the situation. This includes mass arrest procedures, abbreviated arrests and form processing, and protection of the rights of arrestees.
A. **Administrative Reports Due Dates**

Administrative reports shall be completed within 30 days of assignment except as provided elsewhere in this Manual. Extensions to due dates may be granted only by a bureau or division commander. When an extension to an accident/pursuit review is granted, the Internal Affairs Bureau shall be notified of the length of the delay.

Except as otherwise specifically provided, staff review of completed administrative reports should be completed within five working days of receipt.

B. **Required Notifications of Pursuits and Accidents**

Prior to completion of their shift, supervisors assigned the responsibility for a pursuit critique or accident review shall make notifications to the Internal Affairs Unit, as well as the Department’s pursuit/accident review officer.

- Supervisors shall also provide this information to the appropriate district or bureau commander via voice mail.
- Supervisors assigned to an incident outside of their assigned district or bureau shall notify their immediate district or bureau commander and the affected district or bureau commander.
- The affected district or bureau commander shall have administrative responsibility for ensuring completion of required documentation.

**Completion Time Lines**

1. Pursuit and accident reviews shall be completed by assigned supervisors and forwarded to the appropriate Department review officer within 10 days of the incident.
2. The review officer shall submit the completed review package to the affected district or bureau commander within 14 days of the incident.
3. The review package shall be sent to the division commander by the 20th day after the incident. The division commander shall forward the review to the Chief of Police, or designee, within 30 days of the date of occurrence.

The Pursuit and Accident Review Staff Officers may contact the investigating supervisor directly to request additional investigation or correction. The supervisor’s district or bureau commander should be notified of all such requests and shall ensure completion of the request within the 14 day deadline.

Conflicts arising from pursuit investigations should be resolved through the district or bureau commander and the reviewing staff officer. When resolution is not possible the division commander should be contacted for assistance. Accident investigation conflicts should be resolved as thoroughly as possible.
# Administrative Report Summary Chart

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Effective Date: 04/01/2011

Procedure 225

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A. Building Security
No person shall be permitted access to any police facility unless he/she has lawful business that requires access.

Members shall not allow any person entry into secured portions of any police facility (e.g. HQ, district stations, training locations, etc.), unless the person is wearing an authorized uniform, is displaying acceptable ID (i.e. Department ID card / placard), or a visitor’s pass.

Exterior doors to HQ and all district stations shall be closed and locked at all times with the exception of the lobby doors. The lobby doors shall remain unlocked during normal business hours for public access.

Restricted Areas
Designated areas of the Department are considered restricted and members shall observe the regulations pertaining to the limited access to those areas. Areas considered to be accessible to authorized members only are:

- ComCen;
- Computer room;
- PECS;
- Internal Affairs Bureau;
- Office of the Chief of Police;
- Personnel Bureau;
- Fiscal Affairs Bureau;
- Special Investigations Bureau;
- Street Violence Bureau;
- Planning & Research Bureau;
- Training Bureau;
- Crime View Bureau;
- ISB;
- Magec;
- Background Investigations Unit;
- Pine Street Facility;
- Skywatch;
- CLO/PLO;
- Patrol Division offices;
- Armory; and
- Records Bureau.

Authorized members are regarded as those members who work directly in these areas, and/or are responsible for the supervision and/or direction of that area. Others requiring entry into a restricted area shall only enter upon approval by the restricted area's supervisor.

Members shall observe signs designating an area as "Authorized Personnel Only" and shall not enter a restricted area unless permission is granted by the supervisor in charge of that particular area.
B. **Member Access**

**Headquarters**
Members are prohibited from using the Mariposa Mall (lobby entrance) when reporting for work. Members may enter through the Mariposa Mall doors only when returning to HQ after conducting Department business.

**City Hall Annex**
Members may use any entrance to the City Hall Annex. All exterior doors shall be kept closed and locked at all times, with the exception of the ground level double doors on the north side of the building. During normal business days the double doors will remain unlocked during business hours. The upstairs double doors to the Administrative Services Division, Support Division and Special Operations Division, shall be kept locked at all times unless personally attended by a member.

C. **Visitor Access**

**Other Law Enforcement Personnel**
Law enforcement personnel from other agencies may enter HQ by displaying their ID affixed in a prominent place on their outer clothing.

**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. Any member of the public allowed access to a secured area of HQ shall have their name logged by the lobby guard and display a visitor pass affixed in a prominent place on their outer clothing while in HQ. The pass will be returned when the visitor leaves HQ and his / her departure time logged by the lobby guard.

**Vendor Access**
Vendors and persons making deliveries to the Department may enter through the ramp level doors to HQ next to the Crime Scene Bureau.

**City Employee Access**
Employment by the City is not, by itself, sufficient cause for entry into HQ. City employees shall be screened as to their lawful business prior to entry. Once inside HQ appropriate ID shall be displayed.

D. **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.
A. **Reasonableness of Force**

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.

"Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

**Factors used to Determine Reasonableness of Force**

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. Justification for any use of force will be based on a totality of the following factors:

- Seriousness of suspected offense or reason for contact with the suspect;
- Immediacy and severity of the threat to officers or others;
- Whether or not the suspect is actively evading or resisting arrest;
- The conduct of the suspect, as reasonably perceived by the officer at the time;
- Proximity of weapons available to suspect;
- The number of officer(s) vs. suspect(s) present;
- Time and circumstances permitting, availability of other options;
- Influence of drugs/alcohol (mental capacity);
- Potential for injury to citizens, officers or suspects;
- Training and experience of officer(s);
- Suspect’s capability to pose an imminent threat to safety of officers or others (e.g. actively hiding);
- Risk and reasonably foreseeable consequences of escape;
- Individual officer/suspect factors (i.e., age, size, strength, skill level, injury, exhaustion, etc.);
- The degree to which a suspect has been effectively restrained, and his/her ability to resist despite restraints;
- Type and thickness of suspect's clothing;
- The need for immediate control of the suspect or a prompt resolution of the situation;
- Prior contacts with the suspect; and
- Other exigent circumstances.

Force is the application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained. See Procedure §300 D for Reportable Use of Force.

B. **Use of a Firearm**

An officer may resort to the use of a firearm when it is the level of force that is objectively reasonable and appears to be necessary. 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. An officer may use deadly force:

- To protect himself/herself or others from what he/she reasonably believes would be an immediate threat of death or serious bodily injury;
- To affect the arrest or prevent the escape of a suspected felon in the following circumstances:
• Where the officer has probable cause to believe the suspect has committed a felony involving the infliction or threatened infliction of serious bodily injury or death; and
• The officer reasonably believes there is a substantial risk of serious bodily injury or death to others if the suspect is not immediately apprehended; and

To stop a dangerous or threatening animal.
• In circumstances in which officers have sufficient advanced notice that a potentially dangerous domestic animal (e.g. dog) may be encountered, such as in the serving of a search warrant, officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g. Fire extinguisher, Taser™, OC Spray, animal control officer). Nothing in this procedure shall prohibit any officer from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical. Supervisors shall complete a memo through their chain of command outlining the circumstances and justification for the discharge of a firearm at a dangerous animal;

Exception: An officer may shoot an animal that so badly appears injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

Officers shall, when practical, identify themselves and state their intention to shoot before using a firearm.

Definitions:
Reasonable Belief - The facts or circumstances the officer knows, or should have known, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstance.

Serious Bodily Injury - A bodily injury that creates a substantial risk of death; causes serious or permanent disfigurement; a wound requiring extensive suturing; or results in long-term loss or impairment of the functioning of any bodily member or organ.

Warning Shots
Warning shots are permitted when the situation presented would otherwise justify the use of deadly-force and are:
• Only permitted where it provides the potential ability to diffuse an escalating and potentially life-threatening incident; and
• Never required prior to the use of deadly force.

Moving Vehicle
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 where a member feels compelled to fire at a moving vehicle or its occupants, the decision to fire will be evaluated in accordance with Department training and tactics.

Report of a Firearm Discharge
Except during training, any member who discharges a Department issued or authorized firearm accidentally or intentionally, on or off-duty, shall make a verbal report to an on-duty supervisor as soon as circumstances permit. Supervisors will comply with Policy & Procedure §310 in regards to an accidental discharge.
C. **Medical Treatment**
Prior to booking or release, members shall provide/seek appropriate medical assistance for any person(s) who has:
- Sustained visible injury;
- Expressed a complaint of pain;
- Been rendered unconscious;
- Received a Taser™ application (Medical treatment for Tasers is outlined in Procedure §309); or
- Been struck with less lethal impact projectiles (requires medical clearance from CRMC).

Suspects in-custody are not allowed to AMA from treatment in the field. A suspect may choose to AMA upon being cited and released.

When possible, members should render CPR/First Aid consistent with training until EMS arrives. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, when practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics and unusually high tolerance to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies and these individuals should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

D. **Reportable Force Defined**
Reportable force has occurred when:
- Members (including canines) use force and a person is injured, has expressed a complaint of pain, or has been rendered unconscious;
- Members strike a person with a body part (e.g., fist, foot, elbow, etc.) or any object (e.g., flashlight, clipboard, etc.); or
- Members use (not merely display) a Department issued weapon (e.g., baton, chemical agents, Taser™, less-lethal, shotgun, firearm, etc.) against another.

When any member subjects someone to the use of reportable force, he/she shall immediately notify a supervisor. Supervisors should also be notified when an individual indicates the intent to pursue litigation, whether or not any force was used.

E. **Documentation of Reportable Use of Force**
Members shall document all of the following information when reportable force occurs:
- Reason for the initial contact;
- Subject’s behavior that required the use of force;
- Type of force used;
- If the initial force used was adequate or if repeated applications were required and level of resistance;
- If equipment functioned properly;
- If the subject attempted to take control or took control of the officers’ weapons;
- If the officer/subject was injured;
- Witness statements; and
- If a supervisor was on scene when the reportable force was used.

Following an incident of reportable force, officers shall ensure the subject is photographed after any necessary medical treatment. Photographs should include any visible injuries or lack thereof.
Members utilizing RPW shall click on the “Case Factors” box, then check the box that says “FORCE USED.” Under “Routing and Options,” members shall route a copy to “PROFESSIONAL STANDARDS UNIT.”

F. **Supervisor’s Documentation of Reportable Force**

When a supervisor is notified that reportable force occurred, he/she shall

- Prepare a Use of Force Form using the BlueTeam web interface (Refer to Procedure §349); and
- Forward via BlueTeam through the supervisor’s chain of command.

G. **Use of Force Analysis**

Use of force data obtained from the IAPro Database will be used for comparative analysis and composite reporting. This information will be used to determine effectiveness of force, reliability of equipment, training needs, policy modifications, etc. Access to the data base is limited to the Chief of Police or his designee and is not available for public dissemination.

Requests from outside the Department for information related to a use of force incident, or civil liability recordings, shall be approved by the Department’s Legal Advisor (including D.A. requests) prior to release.
Procedure

301

Fresno Police Department Procedures Manual
Pepper Projectile Systems

Corresponding Policy 301: Pepper Projectile Systems

When properly applied in accordance with this procedure and training received, the Pepper Projectile System (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 serious injury. It is anticipated that the appropriate use of the PPS will result in fewer serious injuries to officers and suspects.

Officers issued a PPS should carry them in the field, ensuring immediate access when necessary. The PPS is issued for use during a member’s current assignment.

A. Pepper Projectile System

A PPS is a less-than-lethal device designed to deliver a frangible projectile containing a derivative of oleoresin capsicum (OC) powder that irritates the eyes and nose, similar to pepper spray. Because the device delivers the projectiles via a compressed gas launcher, the potential exists for the projectile to inflict injury if they strike the head, neck, spine or groin.

B. Carrying the Pepper Projectile System

Only PPS & pepper munitions issued by the Department shall be used by officers and only after they have successfully completed a Department approved PPS training course on its proper use and deployment. Officers shall, at minimum, be re-certified with the PPS once every two years, or more frequently if required by the manufacturer of the PPS. PPS shall be stored in the protective case and secured in the designated, locked container of the vehicle (e.g., inside of the patrol vehicle).

When not on-duty, officers shall remove the compressed gas canister from the PPS and place it in the protective case, secured in the designated, locked container of the vehicle (e.g., inside of the patrol vehicle).

C. Verbal Warnings

A verbal warning of the intended use of the PPS should precede its application, 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:

- Provide the individual with a reasonable opportunity to voluntarily comply;
- Provide other members and individuals with a warning that a PPS may be deployed.

The fact that a verbal and/or other warning was given, or the reasons it was not given, shall be documented by the member deploying the PPS.

D. Targeting Considerations

While manufacturers generally recommend that reasonable efforts should be made to target lower center mass and to avoid intentionally targeting the head, neck, chest and groin, it is recognized that the dynamics of each situation and officer safety may not permit the member to limit the application of the PPS to a precise target area. Members using a PPS should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

E. Application of the Pepper Projectile System

Authorized members may use the PPS 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 violent or physically resisting subject;
- 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.
When practical, the member should give a verbal warning of the intended use of the PPS followed by a reasonable opportunity to voluntarily comply.

Non-compliance with directives, non-violent physical resistance, or mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the PPS to apprehend an individual.

**F. Deployment Considerations**

When using the PPS, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets. Before discharging projectiles, the officer should consider such factors as:

1. Distance and angle to target;
2. Type of munitions employed;
3. Type and thickness of subject’s clothing;
4. The subject’s proximity to others;
5. The location of the subject; and
6. Whether the subject’s actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

**Special Deployment Considerations**

The use of the PPS should generally be avoided in the following situations unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, or would present a greater danger to the member, the subject or others, and the member reasonably believes that the need to control the individual outweighs the risk of using the PPS. This includes:

- Pregnant females;
- Elderly individuals or obvious juveniles;
- Individuals who are handcuffed or otherwise restrained; or
- Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

**Dangerous Animals**

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

**G. Documentation of Use**

All PPS discharges shall be reported to a supervisor as soon as practical and documented in the related police report. Member Responsibilities

The police report shall include:

- The complete circumstances surrounding the use of a PPS;
- Name of the Department member using the PPS;
- Verbal warnings if given or reason for not doing so;
- Number of applications; and
- Location and description of application sites.

When possible, Department members shall request the Crime Scene Investigation Bureau (CSIB) respond to the scene or to the medical facility for photos of injuries or impact sites. All accidental discharges shall be documented as above in a Synoptical Report.
Effect
ive Date: 02/07/2019

Spent pepper munitions still have the irritating eff
ect of OC so any remnants or spent pepper munitions
will not be collected. Members shall request CSIB respond to photograph the scene including any spent
pepper munitions.

Supervisor Responsibilities

Supervisors shall prepare a Use of Force Form and forwa
dard through the supervisor's chain of command
via IA Pro BlueTeam.

H. Crowd Control

Use of PPS 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.

PPS 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. In crowd control situations, the Chief of Police (or
their desi
gnee) shall have the overall authority on the use and deployment of pepper projectiles.

Requests for a pepper projectile control device (in response to crowd control situations) shall be made
through the Special Events Unit Supervisor.

I. Treatment for Exposure

Persons who have been sprayed with or otherwise affected by the use of OC spray or pepper munitions
should be promptly provided with clean water to cleanse the affected areas. The subject(s) may be
treated on scene or by EMS and then taken to FCJ.

Members should take prompt and ongoing care to monitor the condition of the subject if one or more
pepper munitions strikes the head, neck, chest or groin until he/she is released to the care of
paramedics or other medical personnel.

J. Post Application Notice

Whenever pepper projectiles or OC have been introduced into a residence, building interior, vehicle or
other enclosed area, officers should provide the owners or available occupants with notice of the
possible presence of residue that could result in ir
ritation or injury if the area is not properly cleaned.

Such notice should include advisement that cleanup will be at the owner's expense. Information
regarding the method of notice and the individuals notified should be included in related reports.

K. Training for Pepper Projectile Systems

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

1. Proficiency training shall be monitored and documented by a certified, control
device weapons
tactics

2. All training and proficiency for control devices will be documented in the officer's training

3. Officers who fail to demonstrate proficiency with the control device or knowledge of the Use

of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with
a control device after remedial training, the officer will

be restricted
from carrying the control
device.

4. Officers shall demonstrate proficiency in use of the PPS on an annual
basis

L. Equipment Control Responsibilities

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

Every PPS will be periodically inspected by the Rangemaster or the designated instructor for a
particular control device. The inspe
c
diction shall be
documented.
User Responsibilities

All normal maintenance and cleaning shall remain the responsibility of members using the various devices. Any damaged, inoperative, outdated or expended PPS or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. The member's supervisor shall investigate the circumstances surrounding the damage/loss and complete a BlueTeam entry including:

- A completed Inquiry/Complaint Form (ICF), or Receipt of Complaint (ROC) memo;
- Loss Notice Report;
- All other related documentation.
When properly applied in accordance with this Procedure and training received, the remote restraint device (RRD) is considered a non-lethal control device that is intended to control a subject while minimizing the risk of serious injury. It is anticipated that the appropriate use of such a device will result in fewer injuries to officers and suspects.

Officers issued a RRD should carry them in the field, ensuring immediate access when necessary. RRD are issued for use during a member's current assignment.

A. Remote Restraint Device Projectile System

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.

Definitions:

- **Controller**: portion of the RRD system that fires the cartridge. The controller is a reloadable, multi-use device. On the device there is a cocking lever, laser aiming device, firing mechanism, safety and cartridge release mechanism.

- **Cartridge**: the cartridge houses the propellant, Kevlar cord and pellets with prongs.

B. Carrying the Remote Restraint Device

Only RRD munitions issued by the Department shall be used by officers and only after they have successfully completed a Department approved RRD training course on its proper use and deployment. Officers shall, at minimum, be re-certified with the RRD once every two years. Officers shall demonstrate proficiency in use of the RRD at least every two years.

C. Verbal Warnings

A verbal warning of the intended use of the RRD should precede its application, 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:

- Provide the individual with a reasonable opportunity to voluntarily comply;
- Provide other members and individuals with a warning that a RRD may be deployed.

The fact that a verbal and/or other warning was given, or the reasons it was not given, shall be documented by the member deploying the RRD.

D. Targeting Considerations

While manufacturers generally recommend that reasonable efforts should be made to target lower center mass and to avoid intentionally targeting the head, neck, chest and groin, it is recognized that the dynamics of each situation and officer safety may not permit the member to limit the application of the RRD to a precise target area. Members should take prompt and ongoing care to monitor the condition of the subject if one or more RRD munitions strikes the head, neck, chest or groin until he/she is released to the care of paramedics or other medical personnel.

The potential exists for the projectile to inflict injury if they strike the head, neck, or groin. Therefore, personnel using a RRD should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.
E. Application of the Remote Restraint Device

Authorized personnel may use the RRD 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.

Non-compliance with directives, non-violent physical resistance, or mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the RRD to apprehend an individual.

F. Deployment Considerations

When using the RRD, officers should consider potential impact areas in order to minimize injuries and unintentional targets. Before discharging projectiles, the officer should consider such factors as:

1. Distance and angle to target.
2. Clearance area around the subject.
3. Type and thickness of subject's clothing.
4. The subject's proximity to others.
5. The location of the subject.
6. Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

Special Deployment Considerations

The use of the RRD should generally be avoided in the following situations unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, or would present a greater danger to the member, the subject or others, and the member reasonably believes that the need to control the individual outweighs the risk of using the RRD. This may include:

a. Pregnant females;
b. Persons in control of a motor vehicle;
c. Persons in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury;
d. Persons near flammable or combustible material;
e. Persons near any body of water that may present a drowning risk;
f. Elderly individuals or obvious juveniles;
g. Individuals who are handcuffed or otherwise restrained; or
h. Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Evidence Collection

When members utilize the RRD:

i. Expended RRD cartridge case(s), pellets, prongs and Kevlar cord(s) shall be photographed under the case number with the serial number of the cartridge captured in the photograph and in the related report;
j. Prongs shall be disposed of in "sharps containers" located in all District stations and the PECS booking area; and
k. When possible, Department members shall request the Crime Scene Investigation Bureau (CSIB) respond to the scene or to medical facility for photos of injuries or probe impact sites.
G. Documentation of Use

All RRD deployments shall be reported to a supervisor as soon as practical, and documented in the related report.

Member Responsibilities

The police report shall include:

- a. The complete circumstances surrounding the use of a RRD;
- b. Name of the Department member using the RRD;
- c. Model and serial number of the RRD used;
- d. Serial number of the RRD cartridge(s) used;
- e. Verbal warnings if given or reason for not doing so;
- f. Number of applications;
- g. Subjects reaction and effectiveness of the device; and
- h. Location and description of application sites.

All accidental deployments shall be documented as above in a Synoptical Report.

Supervisor Responsibilities

Supervisors shall prepare a Use of Force Form and forward through the supervisor's chain of command via IA Pro BlueTeam.

H. Treatment for Exposure

Prior to booking or release, members shall provide/seek appropriate medical assistance for any person(s) who has:

- a. Sustained visible injury;
- b. Expressed a complaint of pain;
- c. Been rendered unconscious; or
- d. Sustained a RRD prong(s) piercing the subjects skin (requires medical clearance from CRMC). Department members shall not remove RRD prongs.

Suspects in custody are not allowed to refuse treatment against medical advice (AMA) from treatment in the field. A suspect may choose to AMA upon being cited and released.

Removal of Remote Restraint Device Cord

When deciding whether to remove a RRD Kevlar cord or leave it in place, officers should balance officer safety concerns with factors that include, but are not limited to:

- e. The circumstances or crime leading to the deployment of the RRD; and
- f. The demeanor and behavior of the subject.

If members determine that removal of the Kevlar cord is appropriate on scene, the members shall remove the Kevlar cord using the Department issued RRD cord cutter or other similar device. The on scene supervisor shall determine whether transporting the person to a medical facility is necessary to remove the Kevlar cord, prongs, or to receive medical treatment.

I. Training for Remote Restraint Device Systems

The Training Manager shall ensure that all personnel who are authorized to deploy a RRD have been properly trained and certified in its use.

1. Proficiency training shall be monitored and documented by a certified, RRD instructor.

2. All training and proficiency for control devices will be documented in the officer's training file.

Failure to Demonstrate Proficiency

When a member fails to demonstrate proficiency in the use of an authorized force option, he/she shall be provided with remedial training. If the member is unable to demonstrate proficiency after remedial training has been provided, an individualized remedial training plan shall be implemented.
J. Training Unit Responsibilities

Training Unit instructors shall control the inventory and issuance of all RRD and shall ensure that all damaged, inoperative, or outdated control devices or munitions are properly disposed of, repaired or replaced.

Every RRD will be periodically inspected by the member who is assigned the device.

K. Replacement Cartridges

RRD cartridges will be issued by the Duty Office after a deployment in the field. Members requesting replacement cartridges will be required to provide the case number in which their expended cartridge(s) was/were used, or turn in the defective cartridge when seeking a replacement.

The Duty Office will maintain an RRD Cartridge Log listing the date, officer's name, case number under which the previous cartridge was deployed and the serial number of the new cartridge. Training Section personnel will collect spent RRD cartridges.

All requests for repairs or replacement of inoperative or damaged units shall be forwarded to the Training Section.

L. User Responsibilities

All normal maintenance and cleaning shall remain the responsibility of the member who is assigned the device. Any damaged, inoperative or outdated RRD munitions shall be returned to the Training Unit for disposition. Members who are assigned a RRD shall inspect the device at the beginning of each shift to ensure it is properly functioning. Malfunctioning devices shall not be deployed to the field but will be taken to the Training Section for repair/replacement.

The member's supervisor shall investigate the circumstances surrounding the loss or damage of the device and complete a BlueTeam entry including:

a. A completed Inquiry/Complaint Form (ICF), or Receipt of Complaint (ROC) memo;

b. Loss Notice Report;

c. All other related documentation.
A. Burglar Alarms and Burglaries in Progress

Initial Response

A minimum of two officers should be dispatched to a call of a silent burglar alarm or burglary in progress. As soon as possible after arrival, officers shall determine the security of the premises and request, or cancel, additional assistance as necessary.

Checking Premises

Upon arrival at calls of burglary in progress or burglar alarms, officers shall make every reasonable effort to determine that no burglary has taken place by checking all points of possible entry, including the roof of the building.

When a portion of the building is inaccessible and cannot be checked, officers should attempt to make arrangements to have such areas checked by the alarm company, the building owner, or other party responsible for the premises.

Officers are not required to stand by for the arrival of the alarm company or owner when the premises check secure. Officers shall not ask the ComCen to contact the alarm company to determine if they should stand by but shall immediately return to service upon verifying the security of the building and complying with the false alarm notification.

Search of Premises

When entry is suspected or when there is reason to believe that a suspect is still inside:

- At least two officers shall be posted at opposite corners on the exterior of the premises to secure against exit attempts by suspects;
- At least two officers or an officer and K-9 shall search the interior of the premises until the suspect(s) is apprehended or is determined to be gone;
- Officers shall exercise every precaution to prevent the destruction of evidence during the search; and
- Uniformed officers should conduct searches of burglarized premises. When it is necessary to use plainclothes officers, they shall wear their badge or other Department issued identification on their outermost garments.

Notification of Owner and Alarm Company

As soon as possible after arrival at an audible alarm, the officer shall notify the ComCen of the name of the responsible alarm company, and whether or not it appears entry was made.

When damage or entry is detected, the alarm company shall be requested to respond and the owner should be notified. If the alarm company cannot reach a responsible party, the officer shall enter notes into the event describing the damage or point of entry and secure the premises as described in Section B below. A business card with the event number on it shall be left in a conspicuous and secure place near the main door or gate.

When an alarm has been sounding for more than 30 minutes, the location checks secure, and the officer is unable to contact the owner or alarm agent, the officer shall include notations in the event documenting this fact and return to service.
False Alarm Notification
When a false alarm has occurred, a False Alarm Notification card shall be completed.
- The card shall be left in a conspicuous and secure place near the main door or gate.
- Officers shall make a note in the event report that a card was left;
- The disposition code “E” for a false alarm call shall be used to clear the event.

B. **Securing Open Premises**
Members encountering an unsecured building shall attempt to contact a responsible party to have him/her respond to secure the premises.
- Upon successful contact, the officer shall stand by the premises until the responsible party arrives, when a reasonable ETA is given by the party.
- When the ETA is an unreasonable amount of time, the responsible party shall be advised that the officer will not stand by and that they must make their own arrangements for a private guard or other security.

C. **Owner’s Responsibility**
When an owner of a burglarized premise refuses to respond after notification by either the Department or the alarm company, members should return to service upon completion of their investigation.

**Owner Unavailable**
The ComCen shall notify the City contracted vendor to board up any private residence currently being lived in or any operating business which requires temporary securing. A security guard may be used to stand by these structures when the City contracted vendor is unable to secure the structure. When a requested security guard arrives at an unsecured premise the member shall be released from the location. The name of the guard shall be included in the member's report.

**Securing Vacant Structures**
The FFD is responsible for arranging for permanent securing of vacant commercial structures.
- The ComCen shall notify the Fire Prevention Bureau of the need to secure such a structure.
- A security guard will not be required to secure the structure unless there is property of value contained within.

The securing of vacant apartment buildings and vacant residential structures is the responsibility of the Community Development Department.
- Security guards shall not be used to secure these structures.
- When a member finds a vacant apartment or residential structure unsecured he/she shall notify ComCen of the circumstances.
- The ComCen shall notify the Housing Standards Office of the Community Development Department of the unsecured structure.

D. **Security Guard Protocols**
When a guard is requested by a Department member, he/she shall remain at the scene until one of the following occurs:
- A person responsible for the business is contacted by the ComCen and responds or declines to take control of the premises;
- At 0800 hours, the guard is to call the ComCen when no responsible party has responded. The ComCen will contact Facilities Maintenance to respond to secure the premises; and
- The guard will notify the ComCen once the building is secured.
E. **Burglary and Theft Victim Form Letters**
Members conducting an initial investigation of a burglary shall furnish a Burglary/Theft Form Letter to the victim.
- The form letter shall also be distributed to victims of all petit and grand thefts;
- The issuing member shall complete the blanks on the front of the form and instruct the victim on the use of the letter; and
- Members shall include the fact that a letter was left with the victim in their report of the incident.

When a theft call is handled telephonically, a form letter shall be mailed to the victim when there is any possibility that the victim may discover, at a later time, additional property taken during the theft.

The form letter shall never be given to a victim for the purpose of documenting property known to be missing at the time of the original investigation. All such property shall be listed in the member's original investigative report.

The letter is used solely to provide additional information about already reported stolen items (e.g., serial numbers) or to report property not known to be stolen at the time of the original investigation.

The Burglary/Theft Form Letter may be submitted by the victim by mail or the victim can add the property information by completing a supplemental report through the online reporting system. Except under unusual circumstances, a Supplemental Report should not be taken to document missing property which was not described at the time of the original report if the form letter was submitted by the victim. The form letter should be used instead.

F. **Teletype Entry of Stolen, Found, Recovered, and Lost Property**
Whenever a report is received of any stolen, lost, found, or recovered property, or property under observation, which has a known serial or owner applied number, the reporting member shall complete the property section of the report in RPW and include an adequate description of the item(s) including serial number (PC §11108). The property information shall be forwarded to Teletype through RPW.

Reports of nonserialized stolen property, which has unique characteristics or inscriptions permitting accurate identification, shall also be sent to the Department of Justice by teletype. The property tab in RPW shall be completed with sufficient detail to permit identification of the item. The property information shall be forwarded to Teletype through RPW.
A. **Preliminary Investigation**
Members shall determine if the payments are current and there is no possibility of repossession.
- Where repossession is possible, members shall contact the Records Bureau to determine if the vehicle has been reported as repossessed (Vehicle Code §28).
- No report is written when a vehicle has been repossessed.

Members shall determine the location from which the vehicle is missing.
- When the location is on private property or another area where the vehicle might have been illegally parked, members shall attempt to determine if the vehicle was impounded for a parking violation.
- Members shall contact the Records Bureau to check the list of vehicles removed from private property and shall check with the ComCen to determine if a tow truck had been dispatched to the location of the missing vehicle on an illegal parker call.

B. **Reporting Requirements**

**Stolen Vehicles**
Vehicles taken without the permission of the owner, whether the suspect is known to the victim or not, will be documented as a stolen vehicle. Possible stolen vehicles shall be documented as such.

**Embezzled Vehicles**
When the owner (including car dealers) of a vehicle gave permission for a person, whose identity is known to him/her, to use the vehicle and the person has not returned or will not return the vehicle the member shall write a "Possible Embezzled Vehicle" report. When a victim/RP is willing to:
- File a criminal complaint against the suspect;
- Appear in person at the District Attorney’s (DA’s) Office to sign a criminal complaint; and
- Pay for towing and storage of their vehicle when located by a law enforcement agency; He/she shall be instructed to contact the Vehicle Crimes Unit in the DA’s Office to pursue a criminal complaint.

When the RP/victim does not know the identity of the person or party to whom they gave permission to use their vehicle, no report shall be taken.

When a lease or rental vehicle has not been returned within five days after the owner has made a written demand for its return by certified or registered mail following the expiration of the lease or rental agreement (VC §10855), it shall be reported as an embezzled vehicle with the classification "lease car," "rental truck," etc.

- The reporting member shall obtain copies of the demand notice and proof of delivery for attachment to their report. Reports of embezzled lease or rental vehicles, therefore, shall not be handled telephonically.
- The RP shall be instructed to contact the appropriate District Investigations unit to pursue a criminal complaint.
- All rental or lease vehicles shall immediately be entered into the Stolen Vehicle System with an indication in the miscellaneous field “Embezzled Vehicle”.

**Report Titles/Contents**
All reports of Part 1 criminal offenses, in which a vehicle is stolen, will be titled using the highest offense committed.
Multiple Vehicle Thefts
When more than one vehicle is stolen at the same time by the same person(s), a single report (case number) and narrative shall be written.

Reporting Dealer License Plates
When taking reports involving dealer license plates, members shall obtain not only the number of the center of the plate, but also the two-digit number in the lower right-hand corner of the plate.

Boats and Trailers
When a boat and trailer are stolen, the incident shall be reported as a vehicle theft.

Notification of Teletype
Members shall notify the teletype operator via RPW as soon as practical after the report is taken. This is accomplished by selecting the ‘Teletype’ button on the vehicle tab once all pertinent information is entered. When RPW is unavailable, the member shall phone teletype with this information for a worksheet.

Required Entries in RPW
Case Tab:
- Title of the report – Other Agency: The pull down charge menu from DOJ will be selected as GISV - GI/REC OUT OF TOWN STL.

Names Tab:
- The Victim’s Name – Other Agency Recovery: If unable to make contact with the Victim of the 10851, obtain the victim’s name and info from the DMV Stolen Vehicle hit and place it in the report.
- On FPD stolen recoveries, the victim’s name is in the Original report and DOES NOT go into the supplemental report.

Vehicle Tab:
- Stolen Vehicle Report - FPD: The vehicle information shall be placed under the vehicle tab with the involvement code as STOLEN.
- Stolen Vehicle Recovery - FPD: The stolen vehicle information shall be placed in the Supplemental Report with involvement code as RECOVERED STOLEN.
- Stolen Vehicle Recovery – Other Agency: The stolen vehicle information shall be placed in the Original Report with the involvement code as RECOVERED STOLEN.
- Descriptors Box: This box shall always be filled out on ALL VC §10851 Reports and Recoveries.

Disposition Tab:
- Stolen Vehicle Recovery – Other Agency: In the Related Reports Field, The Officer shall document as follows:
  o Related Reports pull down menu: select CASE REPORT;
  o Number box: Type in the Other Agency case number;
  o Agency box: If the agency is other than one of those in the pull down menu, The Officer can type in the agency’s name; and
  o Comments box: Type in “ORIGINAL VC 10851 REPORT”

C. Stolen Vehicle Recoveries
Reporting Requirements
When a vehicle which was reported stolen to this Department is recovered by a member, a Supplemental Report will be completed using the same case number as the original report.
- A Vehicle Inventory Report is required when the vehicle is towed and stored.
- The supplemental shall contain a vehicle recovery date, time, and location.
• A complete vehicle description shall be included detailing signs of forced entry, method of theft, items removed, etc.

When a vehicle is reported as both stolen and recovered in the same report, the report definition/classification shall be "Stolen/Recovered Vehicle".

When a vehicle is recovered which was originally reported stolen to another agency, an FPD report will be completed and assigned an FPD case number.

***NOTE: All VC §10851 recoveries shall be CALLED IN to Teletype.

**Vehicle Processing**
Members who recover a stolen vehicle are responsible for examining the vehicle for evidence including processing for latent prints.
• When the vehicle is not dusted for latent prints, the member's report shall reflect the reason why.
• The report should also contain the specific location of any recovered latent prints.

**Records Notifications**
When any stolen vehicle is recovered, the recovering member shall advise Records (teletype) of the vehicle license number and recovery codes.

**RP Notification**
One attempt shall be made to notify an RP of a vehicle's recovery.
• Notification shall include the location of the vehicle and vehicle condition at the time of recovery.
• The RP shall be instructed that a department member will stand by to wait for the RP's arrival for a maximum of 30 minutes.
• In lieu of a response the RP may choose to have a tow dispatched. Members shall also attempt to contact the RP prior to the processing of the vehicle.

**Vehicle Removal**
Stolen vehicles recovered by members should be stored unless successful RP notification has been made.
• Exceptions to this procedure must be approved by a field supervisor.
• Recovered stolen vehicles shall not be impounded except as necessary to preserve or recover evidence which the recovering member is unable to process him/herself.
A. Definitions
Auxiliary Restraint Devices - Transportation chains or leg irons used during transport as an additional security and safety measure.

Strap Hobble Restraint – A restraint device made of one-inch wide polypropylene webbed belting with a tested strength of 700 pounds, equipped with a one-inch wide steel, alligator jawed, friction-locking clip and bronze swivel, used primarily to secure the legs and ankles of a subject once the subject has been handcuffed.

Hog-tie – Refers to the restraint of an individual with the wrists and ankles bound together behind the back. Officers shall not keep a suspect restrained or transported in a “hog-tied” position.

B. Use of Restraints
Only members who have successfully completed Fresno Police Department-approved training on the use of restraint devices described in this procedure 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, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

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

C. Use of Handcuffs
The following applies when a person is initially arrested and during the transportation of an arrestee:

- Suspects arrested for felonies shall be handcuffed. Disabled or injured suspects shall be controlled as safely as possible with proper consideration for their condition;
  - 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;
  - 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;
- 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;
- When applying handcuffs, the subject’s hands should be secured behind his/her back with the palms facing outward;
- The handcuffs shall be double-locked whenever possible;
• When one pair of handcuffs does not appear sufficient to restrain the individual, or may cause unreasonable discomfort due to the subject’s size, officers should consider using an additional set of 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 any holding cell designed to safely house that individual.

Restraint of Detainees
Situations may arise where it is reasonable to restrain a subject, and then subsequently release them without arrest after a brief investigation. In these situations, the following applies:
• Such situations are generally considered detentions, rather than actual arrests;
• Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others;
• When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee; and
• When an individual is detained and released without an arrest, a report shall be drawn to document the details of the detention and the need for use of handcuffs or other restraints.
  ○ Officers who release restrained persons pursuant to PC §849(b) shall complete the Certificate of Release Form (refer to Procedure §355P).

Orange Handcuffs
The Department utilizes orange painted handcuffs that are limited to use by personnel assigned to transportation wagons/vans and the booking area of Crime Scene Investigation Bureau (CSIB). They are to be stored within the assigned transportation wagon/van or CSIB when not in use.

D. Use of Spit Hoods or Masks
Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.

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

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

E. Use of Auxiliary Restraint Devices
Auxiliary restraint devices should be used on all felony suspects transported in the transportation wagon/van as an additional security and safety measure. They are only authorized for use by personnel assigned to the transportation wagons/vans. Any person in auxiliary restraints should be monitored during transport as reasonably appears necessary.

F. Use of Leg Restraints
Only 48" strap style hobble leg restraint devices (e.g. RIPP Hobble) shall be used. When applying leg restraints the following guidelines should be followed:
• If practical, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practical after the application of the leg restraint device;
• Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat;
• Once secured, the person should be placed in a seated or upright position, and shall not be placed on his/her stomach, as this could reduce the person's ability to breathe (e.g. “positional asphyxia”);
• The restrained person should be continually monitored by an officer while in the leg restraints. The officer should ensure that the person does not roll onto and remain on his/her stomach;
• The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition; and
• Hobbled suspects should be transported in a marked patrol vehicle whenever practical. The hobbled suspect shall be seated in an upright position and should be secured by a seatbelt when safe to do so. Officers shall use caution when loading hobbled prisoners into any transport vehicle.
• When the suspect cannot be transported in a seated position he/she **SHALL** be taken by ambulance/paramedic unit.
  o When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

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

H. **Documentation**
If an individual is arrested, the use of restraints in addition to handcuffs shall be documented in the related report. The officer should include, as appropriate:
• The amount of time the suspect was restrained;
• How the suspect was transported and the position of the suspect;
• Observations of the suspect’s behavior and any signs of physiological problems; and
• Any known or suspected drug use or other medical problems.
A. **ComCen Responsibilities**
   The Emergency Services Dispatcher (ESD) receiving a call of a petty theft from a commercial establishment shall screen the call using the criteria listed in the Policy Manual §307.1.
   1. When the call does not meet the crime report criteria, the ESD will direct the reporting party (RP) to the eReporting website located at [http://www.fresno.gov/reportcrime](http://www.fresno.gov/reportcrime) to complete an eReport with the available information.
   2. When the RP is aware of the eReporting procedure, he/she shall be advised to submit the eReport. A broadcast of suspect and suspect vehicle information should be made by the ComCen.

B. **Reporting Procedures**
   Members shall prepare a crime report on petty thefts of gasoline, beverages, food, cigarettes, etc. from businesses only when:
   - A suspect is in custody; or
   - There is any information that may result in identification of the suspect (i.e. a vehicle license plate); or
   - There is evidence of another crime present which requires reporting.

C. **Store Security Arrests of Adults**
   When an adult is arrested by a member of a store security that participates in the Shoplifter Release Program, refer to Procedure §354.

D. **Store Security Detentions/Arrests of Juveniles**
   When a juvenile is detained/arrested by a member of a store security that participates in the Shoplifter Release Program, refer to Procedure §354.

E. **eReporting**
   Gas stations, restaurants, and convenience stores will no longer be offered “Petty Theft Cards” to report the theft of gasoline, food, beverages or cigarettes. They will be directed instead to eReport the theft at [http://www.fresno.gov/reportcrime](http://www.fresno.gov/reportcrime).

This program shall only be used when the criteria in the Reporting Procedures section are not met.
A. **Use of Force Options**

When a decision has been made to restrain or arrest a suspect, approved force options may only be used when its 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. The factors included 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:

- Provide the individual with a reasonable opportunity to voluntarily comply; and
- To provide other members and individuals with a warning that the chosen force option may be deployed.

The fact that a verbal and/or other warning was given or the reasons it was not given shall be documented by the member deploying the force option.

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.

B. **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:

1. **Baton** - Uniformed officers should take their baton to any call that has the potential for the use of force. The need to immediately control a suspect must be weighed against the risk of causing serious injury.
   - The head, neck, throat, spine, heart, kidneys, and groin should not be intentionally targeted except when the member reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the member or others;
2. **Oleoresin Capsicum (OC) Spray** - Uniformed officers should take their issued OC spray to any call that has the potential for the use of force;
3. **Chemical Agents** - Use of chemical agents for crowd control/dispersal or against barricaded suspects shall be based on the circumstances. The use of chemical agents against barricaded suspects shall be approved by the SWAT commander who will consider its appropriate use. The use of chemical agents for crowd control or crowd dispersal shall be approved by the Chief of Police unless necessary for the immediate preservation of human life;
4. **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. Requests for a Pepperball system shall be made through the Special Events Unit Supervisor;

5. Carotid Restraint Hold - The proper application of the carotid restraint hold by a trained officer may be effective in quickly restraining a violent individual. Due to the potential for injury, the carotid restraint hold may only be applied under the following conditions:
   - The officer shall have received Departmentally approved training in the use and application of the carotid restraint hold; and
   - The carotid restraint hold may only be used when the officer reasonably believes that such a hold appears necessary to arrest and control a violent subject, where such use could prevent or minimize the risk of injury to an officer or other person(s).

Any individual who has been subjected to a carotid restraint hold application shall be promptly examined by EMS or other qualified medical personnel and transported to Community Regional Medical Center (CRMC) for medical clearance. Additionally, the officer shall:
   - Inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid restraint hold and whether the subject lost consciousness as a result;
   - Promptly notify a supervisor of the use or attempted use of such hold; and
   - Thoroughly document the use or attempted use of the carotid restraint hold in any related reports.

The application of a carotid restraint hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a carotid restraint hold:
   - Females who are known to be pregnant;
   - Elderly individuals; and
   - Obvious juveniles.

Refer to RCTB 04-02 - Carotid Neck Restraint Application

6. Pain Compliance / Control Hold Techniques - Pain compliance / control hold techniques may be effective in controlling a physically or actively resisting individual. Members utilizing any pain compliance/control hold technique should consider:
   - The degree to which the application of the technique may be controlled given the level of resistance;
   - Whether the person can comply with the direction or orders of the officer; and
   - Whether the person has been given sufficient opportunity to comply;

7. 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;

8. 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.
   - Only Department authorized less lethal munitions shall be utilized in less lethal weapons. Less lethal munitions shall only be discharged from designated less lethal shotguns.
   - Members carrying less lethal shotguns will inspect the shotgun at the beginning of each shift to ensure that it is in proper working order and loaded only with approved less lethal munitions.
   - Storage of less lethal impact projectiles shall, when practical, be in accordance with manufacturer's recommendations.
   - Munitions that have been removed from their original container shall be clearly and conspicuously identified as less lethal to prevent confusion with lethal munitions.
The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Non-SWAT trained members shall not deploy less lethal shotgun ammunition as a distraction device or to increase visibility (i.e. Shooting out a window). Members considering the use of distraction devices in dangerous situations should contact a SWAT supervisor or commander.

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

- Distance and angle to target;
- Type and thickness of suspect’s clothing;
- The suspect’s proximity to others;
- The location of the suspect; and
- Whether the suspect’s actions dictate the need for an immediate response and the use of control devices appears appropriate.

9. 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.

10. 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.

11. 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.

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.

C. Medical Treatment
Prior to booking or release, members shall provide seek appropriate medical assistance for any person(s) who has:

- Sustained visible injury;
- Expressed a complaint of pain;
- Been rendered unconscious;
- Received a Taser™ application (Medical treatment for Taser’s is outlined in Procedure §309); or
- Been struck with less lethal impact projectiles (requires medical clearance from CRMC).

Exception: When O.C. spray used, the subject may be treated on scene or by EMS, and then taken to FCJ.

When possible, members should render CPR/First Aid consistent with training until EMS arrives. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, when practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included, if possible.

D. Use of Force Training/Certification
At least annually, members authorized to carry weapons shall receive in-service training on the Department’s use-of-deadly force policies, shoot/don’t shoot scenarios, and demonstrate proficiency
with all approved deadly weapons that the member is authorized to use. In-service training for less lethal weapons and incident de-escalation shall occur at least every two years. Proficiency training shall be conducted by a certified weapons instructor.

**Weapon Safety**

Officers shall never draw or display weapons unnecessarily, or draw them in any public place except for official use.

The drawing, displaying, and firing of weapons are limited to range training and actual field situations. Actual weapons capable of firing shall not be used in simulated training exercises. When weapons are necessary to simulate police tactics, the Department will utilize trainer weapons that are incapable of being fired.

Exceptions to these weapons safety requirements are:

- SWAT training simulations, due to the specialized weaponry utilized by SWAT personnel, combined with their increased level of training (This exception shall not relieve SWAT personnel from exercising sound weapons safety);
- Department sanctioned and properly supervised simunitions training; or
- Department sanctioned and properly supervised training utilizing other Department approved training munitions.

**Failure to Demonstrate Proficiency**

When a member fails to demonstrate proficiency in the use of an authorized force option, he/she shall be provided with remedial training. If the member is unable to demonstrate proficiency after remedial training has been provided, an individualized remedial training plan shall be implemented. The members Division Commander shall be notified by the Training Section Supervisor via e-mail of the remedial training plan. Members who fail to complete the remedial training plan, or who fail to demonstrate a minimum level of proficiency, shall be referred to their Division Commander through the Training Section Commander. They will be assigned to modified duty until they are able to complete the remedial training plan and demonstrate proficiency in the use of the authorized force option. The Training Section Supervisor shall provide the member's Division Commander with a memorandum containing the details of the circumstances regarding the failure to complete the remedial training plan or show a minimal level of proficiency.

Members returning from a leave of absence who have not met their training/qualification requirement will be assigned to modified duty until they train/qualify.

A member who is unable to demonstrate proficiency for any reason, (e.g. injury, illness, duty status, or scheduling conflict, etc), will submit a memorandum to his/her supervisor that details the circumstances surrounding the failure to train/qualify. The supervisor shall immediately forward the information to the Training Section Commander.
When properly applied in accordance with this policy, procedure, and training received, the electronic control device (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 serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

Officers issued an ECD should carry them in the field, ensuring immediate access when necessary. ECDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the Department's inventory.

A. **Carrying the ECD**

Only ECDs & cartridges issued by the Department shall be used by officers and only after they have successfully completed a Department approved ECD training course on its proper use and deployment. Officers shall, at minimum, be re-certified with the ECD once every two years, or more frequently if required by the manufacturer of the ECD. Officers shall demonstrate proficiency in use of the ECD on an annual basis.

An ECD shall be carried in only Department approved tactical thigh or belt holsters on the opposite side of the Department member's handgun, or in a Department approved holster designed for a tactical load bearing vest. The ECD shall be carried with the flap secured over the weapon (M26) or securely holstered (X26) for retention.

Additionally:

- All ECDs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device;
- When practical, members should carry a total of two or more ECD cartridges on their person when carrying an ECD;
- Members shall be responsible for ensuring that their issued ECD is functioning properly by conducting a pre-shift spark test;
- The ECD should not be drawn with the member's gun hand or dominant hand; and

B. **Verbal and Visual Warnings**

A verbal warning of the intended use of the ECD should precede its application, 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:

- Provide the individual with a reasonable opportunity to voluntarily comply; and
- Provide other members and individuals with a warning that an ECD may be deployed.

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

The fact that a verbal and/or other warning was given or the reasons it was not given shall be documented by the member deploying the ECD.

C. **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.

D. 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 violent or physically resisting subject; or
- 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.
  - When practical, the member should give a verbal warning of the intended use of the ECD followed by a reasonable opportunity to voluntarily comply.
  - The member must be able to articulate a reasonable belief that other available options appeared ineffective, impractical or would have presented a greater danger to the member, the subject or others.

Non-compliance with directives, non-violent physical resistance, or mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the ECD to apprehend an individual.

Multiple Applications of the ECD

When 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:

- Whether the probes or darts are making proper contact;
- Whether the application of the ECD is interfering with the ability of the individual to comply; and
- Whether 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. Each application will be evaluated individually for reasonableness.

E. Special Deployment Considerations

The use of the ECD should generally be avoided in the following situations unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, or would present a greater danger to the member, the subject or others, and the member reasonably believes that the need to control the individual outweighs the risk of using the ECD. This includes:

- Elderly individuals or obvious juveniles;
- Individuals with obviously low body mass (e.g. extremely thin or emaciated);
- Individuals who are handcuffed or otherwise restrained;
- Individuals who have been recently sprayed with a flammable chemical or who are otherwise in close proximity to any flammable material; or
- Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the ECD in the drive-stun mode (i.e. direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised. The application in drive-stun mode should be limited to brief applications in which pain compliance would reasonably appear necessary to achieve control.

Dangerous Animals

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

It is recognized that the dynamics of each situation and officer safety may not permit the member to limit the application of the ECD darts to a precise target area. Members should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin until he/she is released to the care of paramedics or other medical personnel.

G. **Documentation of Use**

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

**Member Responsibilities**

The police report shall include:

- The complete circumstances surrounding the use of an ECD;
- Name of the Department member using the ECD;
- Serial number of the ECD used;
- Serial number of the ECD cartridge(s) used;
- Model of the ECD used;
- Verbal warnings if given or reason for not doing so;
- Number of applications and duration of applications (e.g. 3 sec., 5 sec., etc); and
- Location and description of application sites.

All accidental discharges shall be documented as above in a Synoptical Report.

**Supervisor Responsibilities**

Supervisors shall prepare a Use of Force Form and forward through the supervisor's chain of command via IA Pro BlueTeam.

H. **Medical Treatment**

Whenever an ECD is applied, the suspect will be transported to Community Regional Medical Center (CRMC) for medical clearance. Department members shall not remove ECD darts.

Subjects exposed to the probes without penetration or by a “drive stun” may be transported to CRMC in a patrol/transportation vehicle. All others shall be transported by ambulance.

I. **Evidence Collection**

When members utilize the ECD:

- Expended ECD cartridges, probes and wires shall be booked into evidence under the case number;
- Probes shall be packaged in a manner that protects against accidental exposure; and
- When possible, Department members shall request the Crime Scene Investigation Bureau (CSIB) respond to the scene or to medical facility for photos of injuries or probe impact sites.

J. **Care & Use of ECDs**

ECD cartridges will be issued by the Duty Office. Members requesting replacement cartridges will be required to provide the case number in which their expended cartridge(s) was/were used, or turn in the defective cartridge when seeking a replacement.

The Duty Office will maintain an ECD Cartridge Log listing the date, officer’s name, case number under which the previous cartridge was deployed and the serial number of the new cartridge.

All requests for repairs or replacement of inoperative or damaged units shall be forwarded to the Training Section.
A. **Duties of Initial on Scene Supervisor**

Upon arrival at the scene of an officer involved shooting (OIS), the first uninvolved supervisor shall:

1. Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals unless already requested, and secure the scene(s);
2. Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel;
3. Obtain a public safety statement from the involved officer, limited to the following:
   - Identification of officer(s) who discharged their firearm(s);
   - Approximate number of rounds fired and direction fired;
   - Whether or not suspect(s) fired any rounds;
   - Location of any possibly injured persons;
   - Location of any witnesses;
   - Approximate location of officer when his/her weapon was discharged; and
   - Description of suspect:
     - Mode and direction of travel;
     - Time elapsed since departure;
     - Crimes he/she is wanted for;
     - Weapon description; and
     - Location of any weapons that need to be secured or protected.
   
   When necessary, compel the involved officer to provide public safety information;
4. Attempt to obtain any additional necessary information from witness officers on-scene, when available;
5. Provide involved and witness officers with an admonition not to discuss the incident pending further direction;
6. Provide all necessary information to the Field Commander and the ComCen. When feasible, sensitive information should be communicated over secure networks;
7. Brief arriving investigators and staff members regarding the information he/she obtained from the involved or witness officers;
8. Ensure the involved officers are provided a secure location to await for the arrival of OIS investigators; and
9. Coordinate with the Street Violence Bureau (SVB) Commander, homicide detectives and/or lead investigator to arrange for the involved officers to be transported from the scene separately, when possible. Generally, involved officers will not be transported from the scene to the interview location until after the walk-through with investigators has occurred (absent an extended wait or exceptional circumstances).

NOTE: The involved officer should not be required to provide more than one public safety statement, or be compelled to provide information outside of the public safety statement. Involved officers may participate in a voluntary walk-through with Homicide investigators to facilitate the investigation.

B. **Notifications**

The Duty Office shall be notified as soon as practical by the on-scene supervisor and will initiate the OIS call out protocol. Notifications shall include a Fresno Police Officers Association Legal Defense Trustee. All outside inquiries about the incident shall be directed to the Incident Commander, PIO, or Office of the Chief.

C. **Activation of Officer Involved Shooting (OIS) Teams**

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 injury. Other types of officer involved firearm discharges (except during Department training), shall be documented in an Unusual Occurrence Report.

The SVB Commander shall be advised of the nature of injuries (if any) and will determine the extent of the OIS Team response.

The OIS investigative and review process described below 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.

An OIS incident involves the response of the following personnel, each of whom conducts their own review and/or investigation:

**Criminal Investigation** - The criminal investigation is conducted by members of the Homicide Unit (as assigned by the Homicide Unit supervisor). A representative from the Fresno County District Attorney's (D.A’s) Office will be present to monitor the criminal investigation. Upon completion of the criminal investigation by Homicide investigators, the case will be submitted to the DA’s Office for review.

**Administrative Investigation** - The administrative investigation team is responsible for reviewing the shooting incident and determining whether Department policies and procedures were followed during the course of the shooting incident. The administrative shooting team is comprised of one or two Internal Affairs supervisors, who will respond to the scene of the OIS and participate in the walk-through, as determined by the SVB Commander. The Internal Affairs Commander may be called by members of the administrative shooting team when staff support is deemed necessary.

**Civil Liability Investigation** - The civil liability team investigates the OIS to determine facts which would establish or refute the civil culpability of the member involved in the shooting. The civil liability team members are appointed by the Chief of Police and work under the direction of the City Attorney’s Office representative present at the scene of the incident. These investigations shall be maintained in strict confidence. All information concerning the case will be divulged only to designated representatives of the City Attorney’s Office. All documentation prepared by team members shall be forwarded to and retained by the City Attorney’s Office.

A member of the Regional Training Center shall respond to the scene of the OIS to review the incident.

**D. OIS Investigation Review**
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.

Upon closure of an administrative investigation where the OIS was determined to be within policy, involved officer(s) will meet with their Division Commander. The meeting is intended to discuss Department policies and procedures related to officer involved shootings and use of deadly force, and to provide feedback relevant to the investigation. The meeting will also serve as an opportunity for the
involved officer(s) to provide feedback to the Division Commander regarding Department policies, procedures, and practices, as well as to discuss potential future training related to the use of deadly force.

OIS investigations that result in proposed corrective measures or discipline will be handled consistent with Procedure §340.

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 three (3) 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.

E. OIS Review Committee (OISRC)
The OISRC is separate from the OIS investigation process and shall convene within 14 days of the OIS. The OIS review is not intended to determine violations of policy, procedure, or whether or not an OIS is legally justified. The OISRC shall have access to all non-administrative documentation and any evidence related to the OIS investigation that will assist them in performing a thorough review of the OIS (e.g. video, photographs, diagrams, and dispatch recordings). Any administratively compelled items obtained by Internal Affairs during their investigation process shall be excluded.

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 Department training needs; and
- Evaluate equipment needs.

When the OISRC convenes to review an OIS incident, they shall be briefed by a supervisor from the Street Violence Bureau and a Homicide Unit detective.

The OISRC shall consist of the following members:
- The involved officer’s Bureau Captain (committee chairperson) and Section/District Commander (or Captain as designated by the Division Commander);
- Legal Advisor or designated representative;
- SWAT Commander or designated SWAT supervisor;
- Regional Training Center Commander or designated Regional Training Center supervisor;
  - When possible, this should be the same representative that responded to the OIS scene.
- Policy and Procedures Unit representative; and
- FPOA representative.

The Office of Independent Review will be invited to the OISRC meeting and may attend at his/her discretion.

The involved member’s Bureau Commander shall serve as the committee chairperson. When more than one chain of command is involved, the affected Division Commanders will determine the chairperson. The chairperson must hold the rank of Captain. If no Captain is in the involved officer’s chain of command, the Division Commander will assign a Captain.

Within 30 days of the OIS, the chairperson of the OISRC will provide a verbal briefing to the Chief of Police on the review committee’s recommendations.

The briefing should include the following information:
- A synopsis of the OIS incident;
• The need for policy review (if applicable);
• Department training needs identified (if applicable); and
• Equipment needs identified (if applicable).

The Chief of Police shall also be briefed by the chairperson before any actions are taken by the Department as a result of the review (such as policy revision or training modifications).

RCTB
When deemed appropriate by the OISRC, training issues or other pertinent issues identified as a result of the meeting will be addressed in an RCTB. The RCTB will be drafted by the Policy and Procedures Unit and will not contain names of involved personnel or other specific identifying information.

The proposed RCTB will be reviewed by the OISRC chairperson before being submitted to the Chief of Police for approval.

Once the RCTB is approved by the Chief of Police and the involved officer(s) have had the opportunity to review it, the RCTB shall be distributed to all personnel via PowerDMS and as a briefing item to be discussed by officers and supervisors.

Review with Involved Officer(s)
The chairperson will meet with the involved officer(s) within 60 days of the OIS incident. The involved officer(s) shall be allowed to bring an FPOA representative of his/her choosing to the meeting. The purpose of the meeting is to discuss the OISRC process as it relates to Department policy, training and equipment, provide relevant feedback to the involved officer(s), as well as an opportunity for the officer(s) to provide feedback on the OIS process.

F. Incident Commander Duties
The Incident Commander shall be responsible for coordinating all aspects of the incident unless relieved by the Chief of Police or designee, or a Division Commander. All media contacts shall be handled by the Incident Commander, PIO, or Office of the Chief.

The Incident Commander or Homicide Sergeant should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives.

G. Involved Officers
The following shall be considered for the involved officer(s):
1. Requests for legal representation will be accommodated;
2. Discussions with licensed attorneys will be considered privileged as attorney client communications;
3. Members who were either involved in or witnessed an OIS may consult individually with legal counsel or FPOA representatives, but shall not consult with legal counsel and/or FPOA representatives collectively or in groups, prior to being interviewed;
4. Discussions with FPOA Legal Defense representatives will be privileged only as to the discussion of non-criminal information [Government Code §3303(i)].

Administrative Leave - During the investigation, detectives shall make reasonable accommodations for the officer’s physical and emotional needs [Government Code §3303(d)]. Officers should only be placed on Administrative Leave (AL) and scheduled for a psychological review after the primary OIS investigator has released them. Administrative Leave may be authorized by the involved officer’s Section/District Commander or the on-scene Field Commander, with Division Commander concurrence. The Employee Services Coordinator (ESC) will be notified of all AL approvals.

Psychological Review
After the OIS, any officer using deadly force will be placed on AL pending a meeting with a contracted psychologist from the Department’s referral list. The meeting with a contracted psychologist shall be
scheduled by the Employee Services Coordinator (ESC). The involved officer must meet with the contracted psychologist prior to returning to duty. Officers who have been involved in two or more OIS incidents, shall meet with two separate contracted psychologists from the Department’s referral list.

The contracted psychologist will conduct the psychological review. If additional psychological services are recommended, the officer will be referred to another psychologist. If no additional services are needed, the officer will have a follow-up visit with the contracted psychologist approximately one month later. Verification of the completion of the psychological review will be sent to the Personnel Bureau and the officer’s Division Commander.

Between the initial visit and potential follow-up visits with the contracted psychologist, the officer may return to his/her regular duty or another assignment as needed.

Officers who seek consultation or receive counseling through the Department’s contracted psychologist are assured confidentiality exists both within the psychological review and in therapy except where required or allowed by law. These exceptions will be clearly articulated to the officer prior to the completion of the psychological review. Some of the circumstances where disclosure is required or allowed by law are:

- where there is a reasonable suspicion of child, dependent, or elder abuse or neglect;
- where an officer presents a danger to self, to other(s), to property, or is gravely disabled;
- when an officer’s family member(s) communicate(s) to a therapist that the officer presents a danger to other(s);
- pursuant to a legal proceeding by or against you (e.g., a proceeding where your mental competence is at issue; a proceeding where you raise the issue of a mental or emotional condition; and/or
- when an officer enlists the services of a mental health professional to aid in the commission of a crime or to avoid detection or apprehension of one self.

In the event of such an occurrence, the Chief of Police or his designee shall be notified or action taken to ensure protection of those concerned.

Although the Department will honor the sensitivity of communications with Companion Officers, there is no legal privilege to such and peer counselors are cautioned not to discuss the facts of any incident with an involved or witness officer.

**Mandatory Post-OIS Training** - After the involved officer meets with the psychologist, the ESC shall coordinate post-OIS training for the officer at FPDRTC. The officer shall attend the mandatory post-OIS training within 30 days of the OIS incident.

**Other Involved Personnel** - The Field Commander shall identify officers indirectly involved in the event and consult with the involved officer’s Bureau Commander to determine whether or not administrative leave, post-OIS training, and/or a psychological review are warranted. When administrative leave, a psychological review, or post-OIS training is granted, the ESC shall be notified to coordinate the appropriate services.

**H. Investigation Procedures**

The following procedures are guidelines used in the investigation of an officer-involved shooting:

- Interviews with involved officers should be scheduled between 24 and 48 hours after the OIS incident. Officers also have the option of being interviewed outside the 24 to 48 hour period, if they so choose;
- Care should be taken to preserve the integrity of any physical evidence present on the officer, equipment or clothing (e.g., blood, fingerprints, etc.) until investigators or lab personnel can properly retrieve it;
- When a suspect is in custody and could be under the influence of alcohol and/or drugs, a blood draw for lab analysis shall be obtained;
• An IA investigator, Civil Liability team member, and Regional Training Center representative, shall be afforded the opportunity for a brief crime scene examination as soon as the crime scene is secured by the assigned scene investigator from the Homicide Unit;
• All investigative interviews of members and witnesses in OIS cases shall be recorded and the recording shall be preserved as evidence;
• IA, Civil Liability, and Regional Training Center personnel shall be allowed to remotely monitor, but not record, the interviews;
• Before concluding each interview the Homicide Investigator shall temporarily suspend the interview in order to determine whether IA or Civil Liability investigators have additional questions related to the criminal investigation they would like asked;
• The Homicide Investigator may confer with his/her supervisor and the Legal Advisor before determining whether the suggested questions should be asked. Any questions not appropriate for the criminal investigation should be asked by the other investigators at a later time;
• All recorded interviews shall be transcribed to hard copy as soon as possible after the interviews are completed;
• AVL Data related to the OIS shall be retrieved and retained by Internal Affairs investigators;
• A high priority shall be placed on isolating involved members and witnesses to avoid discussion of the shooting incident prior to interviews. Investigations Division members should coordinate transportation of these parties to HQ and their supervision until interviews are completed;
• All OIS investigations are confidential and should be treated as such. Members are to refrain from discussing the circumstances of a case with anyone not authorized by law or policy to receive the information, and then only with those who need the information to perform their official duties; and
• Involved officers shall not be required to submit to a blood test, unless there is reasonable cause to believe the employee is under the influence of drugs or alcohol, as set forth in City of Fresno Administrative Order 2-25.

I. Weapons
An officer’s discharged firearm should not be manipulated (i.e., unloaded, reloaded, magazine removal, etc.) or handled by others prior to inspection by the assigned criminal investigator. When the shooting does not require a shooting team response, the firearm shall not be manipulated or handled until it has been inspected by the supervisor conducting the administrative review.

The assigned Homicide Investigator may inspect the shooting member’s weapon and ammunition at the scene, however, the member should be allowed to retain his/her gun until it can be exchanged at HQ, unless circumstances necessitate its immediate removal. When an officer’s weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon as soon as practical.

When a shooting involves a Department issued handgun, a supervisor shall obtain a replacement from the Duty Office and issue it to the involved officer. In so far as it is reasonable to do so, the replacement firearm shall be provided before the discharged firearm is taken from the involved officer.

When a member is involved in an incident with their optional on-duty handgun, backup on-duty handgun, or other authorized off-duty firearm, during the course and scope of their employment and their weapon is booked as evidence, they will be provided with a replacement weapon by the Department. An approved replacement will be provided by the Regional Training Center to be used during the time their weapon is unavailable. The replacement weapon shall be returned to the Department when the member receives their original weapon back.

J. Reports
The appropriate patrol unit will write the original crime report. The primary investigator shall determine the appropriate title for the crime report. All other investigative reports shall be documented in a supplemental report form.
In the event suspects remain outstanding or are subject to prosecution for related offenses, the Department may require involved officers to complete a police report in order to facilitate the apprehension and prosecution of those individuals [Government Code §3304(a)]. Involved officers shall not be deprived of the right to consult with legal counsel prior to completing any such police report.

The Homicide Investigator’s final report shall include a synopsis of the shooting incident as developed from statements and evidence. Copies of investigative reports documenting an OIS shall not be released to anyone without approval of the Investigations Division Commander, until unrestricted.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures, but should also be included for reference in the investigation of the OIS.

K. **Booking Firearms or Other Items**

All firearms discharged by officers under circumstances requiring investigation and/or administrative review shall be booked into evidence using standard evidence booking procedures. For each discharged firearm, all associated magazines and ammunition in possession of the officer at the time of the shooting shall be booked. In addition, the booking officer shall direct an e-mail to the Armorer describing the type of shooting, the date of occurrence, and the case number of the incident. When an officer utilizes an item or weapon other than a firearm, it shall be kept as evidence using evidence booking protocols.

Requests for an Armorer’s Report shall be made through the Regional Training Center Commander within five business days of the discharge of the weapon. In the case of an OIS, the criminal investigator assigned to the incident shall make the request. In cases not criminally investigated, such as a discharge at an attacking animal, the sergeant completing the administrative review will request the Armorer’s Report.

L. **Media Relations**

The identities of involved officers shall not be released, absent their consent or as required by law. In the event the name of an involved officer is required to be released, the Department will notify the involved officer as soon as practical, prior to the release. 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.

No information is to be released to news media without approval of the primary investigator assigned to the case, his/her supervisor or Investigations Division Commander.

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.

M. **References**

Policy/Procedure §1032 – Fitness for Duty and Employee Intervention Programs
Policy/Procedure §300 – Use of Force
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.

A. **Stolen Bicycle System (SBS)**
   Required Information - Entries And Queries
   The member documenting a bicycle case shall obtain the following minimum information which is required for a bicycle to be entered into the SBS:
   - **Type:** Boys, girls or undefined (used for unicycles, tandem bicycles or tricycles);
   - **Speed:** Single, two-speed, ten-speed, etc;
   - **Serial Number:** This is the frame number, NOT the model number. When a victim or the investigating member cannot differentiate between the frame and model numbers, both shall be included in the report;
   - **Brand;** and
   - **Color.**

   Additional descriptive data may be entered in SBS to further identify the bicycle.

   When persons reporting bicycle thefts, etc., are unable to supply any of the mandatory information needed for SBS entry, they shall be instructed to contact the Department should they locate the required information.

B. **Lost Bicycles**
   Where it is determined that a bicycle has been misplaced or lost a Synoptical Report shall be completed. When the serial number is available, a teletype entry containing the mandatory information shall be completed.

C. **Found/Abandoned Bicycles**
   Prior to booking found or abandoned bicycles, they shall be checked through SBS and the results shall be noted in the Synoptical Report.

   Members investigating found bicycle cases shall inform RP’s of their right to claim the bicycle (Procedure Manual § 804).

D. **Teletype Entries**
   Members shall complete a teletype entry for all bicycle reports where the mandatory information is known.
A. **Approved Handguns, Lights, Holsters, & Ammunition**

Issued “On-Duty” Handgun

The authorized Department issued firearm is: Beretta PX4 Storm .40

Spare handguns, ammunition, and magazines are available in the Duty Office. Spare handguns shall be checked out through a Duty Officer with approval of the requesting member's supervisor.

The Duty Officer issuing a replacement handgun shall notify the Rangemaster so that a new spare may be obtained.

Plainclothes officers will carry the Department issued handgun when conducting pre-planned tactical operations (i.e., service of search warrants, parole searches, probation searches, etc.).

**Issued and Optional “On-Duty” Handgun Lights**

The authorized rail mounted handgun lights are:

- Streamlight M3 (Department issued);
- Streamlight TLR-1 (Department issued/Optional);
- Streamlight TLR-1S (Optional); or
- Streamlight TLR-2 (Optional).

The purchase and maintenance of optional rail mounted lights which are authorized for use with Department issued handguns are the sole responsibility of the officer.

**Issued and Optional On-Duty Handgun Holsters**

Uniformed officers shall carry their Department issued handgun in their Department issued holster, or the Department approved optional drop or ‘thigh’ holster. When utilizing the Department issued holster, the rail mounted handgun light shall be affixed.

Plainclothes officers carrying the Department issued handgun will carry it in a holster that will protect it from rust and prevent unnecessary damage or wear. Any optional holster used by plainclothes members must be in good working order and have retention capability.

Plainclothes officers conducting tactical operations, and those members assigned to specialized units that are authorized to wear Class C uniforms, may utilize an optional drop or ‘thigh’ holster. The drop holster that is authorized to be worn by members is the Safariland, model #6004-18021-121 (right handed) or #6004-18021-122 (left handed). Purchase of optional holsters are the responsibility of the individual officer.

Any deviations from the holster specifications shall require approval of the Regional Training Center Commander.

**General Specifications**

The barrel length and calibers may differ depending on the type of handgun.

- Factory condition – NOT modified;
Inspection
Prior to use, all weapons are subject to review, inspection, and approval by the Armorer.

Record Maintenance
The Armorer(s) will maintain a record for each weapon approved for official use.

Optional “On-Duty” Handgun
Plainclothes officers desiring to carry an optional on-duty weapon in lieu of the Department issued handgun must meet the specifications set forth in this procedure.

The purchase and maintenance of the handgun and ammunition is the sole responsibility of the officer. Minimum barrel length for optional on-duty is 2”.

Any handgun carried on-duty as an optional handgun in lieu of the Department issued handgun must meet all specifications.
• Aimpoint Micro Series
• EO Tech model XPS2 or 552
• Trijicon MRO

Approved Ammunition
All Department issued firearms must be loaded with Department approved ammunition, including approved spare magazines. Officers may, at their own expense, purchase three spare 14 or 17 round Beretta manufactured magazines for use in addition to the three magazines provided with their Department issued handgun. Ammunition for the spare magazines can be obtained from the Department Armorer. Prior to carrying any spare magazines and ammunition on-duty, the officer will have the equipment inspected by a Department Armorer. Spare magazines that contain 17 rounds will not be replaced by the Department in the event they are taken as evidence during an investigation.

When carried, the optional on-duty, , and off-duty handguns must be loaded with ammunition that meets the following specifications:

- Must be original factory-loaded ammunition. Reloads, whether commercially or privately done, are prohibited.
- Specifically prohibited are fully non-jacketed, “double-slugs”, shot loads, glazer safety slugs or any bullet type other than that as specified above. Likewise, bullets may not be altered or modified from their original factory characteristics and design.

Any requests for ammunition for use outside normal Department operations require approval from the Regional Training Center Commander.

B. Shotgun & Shotgun Ammunition
Only Department issued shotguns and shotgun ammunition shall be carried while on-duty. These shotguns and ammunition shall not be altered, modified, or repaired by anyone other than the Armorer.

Shotguns shall be carried in vehicles only in an approved locking device and with no rounds in the chamber.
Assigned Department Shotguns
Depending upon shotgun availability and officer assignment, shotguns will be individually issued to officers upon his/her request. Preference for issuance will be given to officers in uniformed assignment.

Consistent with all assigned firearms, officers, who are assigned a shotgun, are required to train, qualify and maintain their assigned shotgun. Officers assigned a shotgun, are responsible for the safe handling and storage of the firearm as outlined by policy and law.

Shotguns or rifles removed from vehicles or Department work sites will be loaded and unloaded in the parking lot and outside of any vehicle (except where a clearing barrel is available).

Similar to assigned patrol rifles, individually assigned shotguns can only be secured in Department safes or lockers.

Officers shall not modify their assigned shotgun.

C. Safe Handling and Storage of Firearms
Officers 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 and consider the following:
- Officers will not display any firearm unless deadly force is authorized, for officer safety reasons, training, or at a Department range;
- Off-duty handguns shall be concealed and carried in a holster or in a device specifically designed for a firearm that covers the trigger and trigger guard, unless it has an external safety;
- Officers shall only dry fire with an unloaded firearm and in a safe manner;
- Members shall treat all firearms as if loaded; and
- Weapons will not be carried by any officer who has consumed any amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer’s senses or judgment.

Storage
Officers will not place or store any firearm or other weapon on any Department premise except where it can be locked up.
- Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code §25100).

D. Carrying Firearms Out of State
Pursuant to 18 United States Code 926B and 926C, full time sworn officer or qualified retired officer (See: Policy §220) of this Department are authorized to carry a concealed firearm in all other states subject to the following:
- The officer will carry his/her Department identification whenever carrying such weapon.
The officer will remain subject to this and all other Department policies (including qualifying and training) and may not be the subject of any current disciplinary action.

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

Officers are cautioned that individual states may restrict or prohibit carrying firearms in certain areas such as government buildings, property and parks.

E. **Firearms Qualifications**

Sworn members and reserve officers are required to train triannually (every four months) with their Department issued handgun and any additional firearms as determined by the Rangemaster. The training shall occur at a Department approved range. One of the triannual trainings shall serve as the annual firearms qualification requirement as determined by the Rangemaster and will include qualification on all firearms for which they are qualified to carry. When possible, members shall train/qualify on-duty during scheduled range hours. Qualifying scores shall be determined by the Rangemaster. Sworn members may not carry weapons on-duty, or in any official capacity, for which they do not hold a current Department qualification.

If a sworn member fails to attend any required firearms training or qualification, they will be placed on modified duty status until the training/qualification is completed. A member will not be allowed to work a duty shift, overtime shift or contract services assignment until they have completed the required firearms training or qualification.

Sworn members who are on long term absence whose firearm qualification expires are not authorized to carry a Department firearm.

Carry of a firearm, for purposes of this order, shall be defined as exercising any of the additional rights relating to firearms that are afforded to peace officers by the Penal Code (i.e. concealed carry, possession of high capacity magazines, etc.).

Probationary officers in training shall qualify as specified above and will receive additional firearms training as determined by the Rangemaster. Probationary officers shall not carry any off-duty weapon, either Department issued or privately owned, until after they have completed the basic academy and have been certified in firearms proficiency by the Rangemaster. (This does not prohibit the officers and recruits from transporting the unloaded Department issued weapon to and from official training activities.)

**Failure to Demonstrate Proficiency**

When a member fails to demonstrate proficiency with an issued or optional firearm, he/she shall be provided with remedial training. If the member is unable to demonstrate proficiency after remedial training has been provided, an individualized remedial training plan shall be implemented. The members Division Commander shall be notified by the Rangemaster via e-mail of the remedial training plan. Members who fail to complete the remedial training plan, or who fail to meet the annual qualification mandate, shall be referred to their Division Commander through the Regional Training Center commander. They will be assigned to modified duty until they are able to complete the remedial training plan and demonstrate proficiency with assigned firearms. The Rangemaster shall provide the member's Division Commander with a memorandum containing the details of the circumstances regarding the failure to complete the remedial training plan or show a minimal level of proficiency. Under no circumstances will a member be allowed to work a duty shift when they have failed to demonstrate proficiency with an issued firearm.

Members returning from a leave of absence who have not met their training/qualification requirement will be assigned to modified duty until they train/qualify.

A member who is unable to demonstrate proficiency for any reason, (e.g. injury, illness, duty status, or scheduling conflict, etc), will submit a memorandum to his/her supervisor (prior to the end of the
quarter, when possible), that details the circumstances surrounding the failure to train/qualify. The supervisor shall immediately forward the information to the Regional Training Center Commander.

F. **Out of State Peace Officers in California**

Pursuant to 18 United States Code 926B and 926C, any full-time or qualified retired out-of-state peace officer is authorized to carry a concealed firearm in California subject to the following:

- The full-time sworn officer will have in their possession a photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.
- The qualified retired peace officer will have in their possession a photographic identification from the issuing law enforcement agency which indicates that the officer has met the state’s training and qualification standards within one year of the date of issuance.
- The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- Out-of-state peace officers are not authorized to carry a concealed firearm into government buildings or areas expressly restricted by state or local law.

H. **Repair or Modifications of Duty Weapons**

The Armorer and Factory representatives are the only person(s) authorized to repair or modify any Department-owned weapon.

Any repairs or modifications to the officer’s personally owned weapon will be done at their own expense, must meet Department specifications, must be re-inspected and the officer must re-qualify prior to being authorized to carry.

Department issued handguns in need of repair or service shall be unloaded and submitted with issued magazines and ammunition. Handguns may be given directly to the Armorer or CSU for exchange with a memo specifically describing the problems or needed work.
Department shotguns in need of service or repairs shall be unloaded and submitted with a memo taped to the stock describing the problems and the area/unit the shotgun came from. Shotguns shall be given directly to the Armorer during normal Range hours of operation.

All other Department firearms may be submitted for repair or service in the same manner as shotguns.

A firearm that is jammed with a live round shall be given to the Armorer/Rangemaster. When the Armorer or Rangemaster is not available, it shall be given to the PECS Supervisor to store until it can be turned over to the Armorer. When no one is available from the PECS, it may be placed in an evidence locker with a note affixed to the outside of the locker stating that it contains a defective firearm with a live round inside.

A member's privately owned handgun shall be repaired outside of the Department at the member's expense.

I. **Laser Sights**

Authorized laser sights may be purchased by officers subject to the following conditions:

- Laser sights may only be installed on an issued on-duty or optional on-duty handgun after they have been examined by the Department Armorer/Rangemaster and approved by the Chief of Police;
- Lasers shall be installed, maintained and repaired by or under the direct supervision of the Department Armorer/Rangemaster
- The officer must “qualify” to insure proper functionality and sighting,
- An officer may only activate a laser sight when justified in the use of deadly force (except in an approved training situation) and;
- Officers are personally responsible for the purchase of the laser sight.

Exception: When the officer is the owner of their optional “on duty” weapon it will not be removed unless legal justification is present (e.g., domestic violence firearm seizure, WIC §5150).

The officer will be told that their peace officer powers have been suspended and whether they may carry a concealed weapon. The Department may have other legitimate reasons beyond that of suspension of peace officer powers to remove duty weapon, badge, and Department identification card from an officer.

K. **Off-Duty Range Use**

The FPDRTC range is available for off-duty use by FPD sworn members only. Non-sworn personnel, to include family members and friends, are not permitted onto the range unless a specific exception has been granted by the Chief of Police or his designee.
General Requirements
- Prior to off-duty range use, officers are required to sign the liability release form;
- Off-duty officers must sign in at the Range Office prior to utilizing the facility;
- One range will be designated for off-duty use each day;
- Off-duty officers are required to follow the direction of FPDRTC staff, obey all posted safety rules, and Rangemaster instructions;
- All weapons and ammunition being used on the range are subject to inspection by FPDRTC Rangemasters; and
- Any injuries must be immediately reported to FPDRTC staff, however, off-duty use is not covered by workers’ compensation.

Off-Duty Use Hours of Operation (May vary based on the needs of the FPDRTC)
- **Day** – Tuesday thru Friday, 0800-1600 hours;
- **Evening** – Tuesday thru Thursday, 1600-2000 hours; (Range will be CLOSED during evening hours when there is not a regularly scheduled Rangemaster present);
- **Holidays** - CLOSED

Authorized Weapons
The following weapons are authorized for use on the FPDRTC range while off-duty:
- Beretta, PX4 Storm, duty weapon;
- Pistols which meet the general specifications as outlined in Procedure §312A;
- Shotguns:
  - 12 gauge, pump action;
  - Remington 870 or other make/model similar to Department issued shotgun; and
- Rifles:
  - .223 caliber only;
  - AR-15 type platform or other make/model similar to Department issued patrol rifle.

Authorized Ammunition for Off-Duty Range Use
When utilizing a Department issued handgun:
- Must be original factory-loaded ammunition; and
- Only ammunition manufactured by Winchester or Federal is allowed (180 grain).
  - Reloads, whether commercially or privately done, are prohibited; and
  - Steel casing are prohibited.

Target Use
- Plastic target backers and wooden stands are provided;
- Off-duty officers must provide their own targets for use on the range;
  - Only paper, plastic, or cardboard targets may be used;
  - The use of metal impact targets is prohibited.
- Use of the 200 yard range, sniper tower, and electric targeting systems are not authorized.
OVERVIEW
FOR DEPARTMENT ISSUED/AUTHORIZED HANDGUNS

Issued
- "On-Duty"
  - Optional
    - "On-Duty"
    - "Backup"

Authorized
- "Off-Duty"
- "Plainclothes"

 When to Carry
- Uniformed on-duty
- Must
- Plainclothes on-duty
- May
- Plainclothes/Uniformed on-duty
- May
- All sworn off-duty members/CCW

Weapon
- Dept. issued
- Member provided

Minimum Barrel Length
- Per factory specifications
  - 2"
  - 1"
  - 1 ½"

Authorized Calibers
- .40
- .380, .38 Special, 9mm, 357 with .38 Special ammo only, .40, and .45 auto
- .22, .22 mag, .25 auto, .32 auto, 380, .38 Special, 9mm, 357 with .38 Special ammo only, .40, and .45 auto

Holster
- Dept. Authorized
- Visible
  - Must be in an approved holster

Ammo
- Dept. issued only
- Dept. Authorized – Officer provided
  (see specs Section A – Approved Handguns, Holsters & Ammunition)

Prohibited Ammo
- Any reloads, slugs, fully non-jacketed, double slugs, shot loads, glazer safety slugs, altered or modified from original factory characteristics and design, or other type not specified, is prohibited

Special Conditions
- During a pre-planned tactical operation or search warrant - must carry Dept issued on-duty firearm
- Commander may require sworn to carry Dept issued on-duty.
- Only one optional
- Only one at a time
- May be rescinded by Chief at anytime

Qualifications
- Must train triannually & qualify annually with dept. supplied ammo
- Prior to carrying, must qualify with Officer provided ammo
  (see specs Section A – Approved Handguns, Holsters & Ammunition)

Lights
- Dept. provided
  - No (Unless authorized by Rangemaster)

Laser
- Yes
  - (Must be installed by Dept. Armorer)

Probationary Officers
- Yes
  - Must pass range qualifications prior to carrying

Modifications
- Only by Armorer
- No (Unless the provisions of Section H – Repair or Modifications of Duty Weapons, are met)

Inspection
- Required before carrying
  - Yes
A. **Counterfeit Note – Passer Not Present**
When a business discovers a counterfeit note (U.S. currency) and the person who passed the note is not present, the RP should be instructed to contact the Secret Service for dispositional instructions.

When the passer is known and no longer present, that information should be forwarded to the Secret Service.

B. **Counterfeit Note – Passer Present**
When a business discovers a counterfeit note and the passer is present, the Department should be notified and an officer dispatched to the business to contact the passer.

When the officer determines that the possession/pass did not meet the elements of a crime (PC § 648), information on the passer should be obtained, along with a statement on how the passer received the counterfeit note. This information shall be documented in a general incident report (GI report), the counterfeit note shall be confiscated, and the passer released.

When the responding officer determines that the passer had knowledge of the counterfeit note, appropriate enforcement action shall be taken and a crime report prepared. This action may include arrest and/or contact with the Secret Service for their response and/or input. The counterfeit note(s) shall be seized as evidence.

C. **Questionable Notes**
When there is a question as to whether or not a note is counterfeit it may be forwarded by the business to the Secret Service.

When the note is in possession of an individual, an officer shall be dispatched and shall attempt to verify the authenticity of the note.

When the authenticity cannot be established, the note should be seized and a receipt given to the person in possession.

The note shall be booked as evidence and a GI report prepared. Follow-up investigators will determine the authenticity of the note and will either forward it to the Secret Service or return it to the person from whom it was seized.

D. **Other Counterfeit Documents**
Investigation of counterfeit or false documents enumerated in PC § 476, other than U.S. currency, are the responsibility of the Department. Such cases shall be investigated under the same guidelines as other criminal offenses.
A. Calls for Service (CFS) Definitions

The below listed definitions are meant to be used as a guideline and CFS are subject to exceptions based on the spirit and intent of this order:

1. Priority 0 - Designates an emergency CFS for a presumed life threatening situation.
2. Priority 1 - Designates an urgent CFS for non-life threatening situations and property crimes in progress.
3. Priority 2 - Designates a routine CFS that requires a field response for a prior person crime.
4. Priority 3 - Designates a routine CFS that requires a field response for a prior property crime.
5. Priority 4 - Designates a routine CFS that requires a field response for all other incidents.
6. Priority 5 - Designates tasks which are administrative in nature.
7. Priority 6 - Designates non-emergency lobby calls at HQ.
8. Priority 7 - Designates a priority telephonic CFS.
9. Priority 8 - Designates an officer telephonic call only (no Cadets).
10. Priority T - Designates those routine CFS that only require a telephonic response.

CFS Priorities

1. Priority 0 calls shall include:
   a. Incidents that are in progress or have just occurred that pose an imminent threat to life and/or great bodily injury;
   b. ShotSpotter Technology (SST) Flex alerts;
   c. No details traffic collisions where injuries are unknown;
   d. Any incident with a violent suspect in custody by citizens or security; and
   e. Allied agency assist with an emergency situation.

2. Priority 1 calls shall include:
   a. Non-life threatening incidents that are in progress;
   b. Non-life threatening incidents that just occurred where the suspect(s) are in the immediate vicinity and apprehension is likely;
   c. Deceased persons, other than homicides;
   d. Prowlers (Radio broadcast only for prior prowler calls where suspect not likely present);
   e. 911 telephone hang up with no further information (except pay phone or PBX/Centrex with no reporting party or background noise);
   f. Alarms where activity is being monitored by a listening device and there is indication of a crime in progress;
   g. Hazardous conditions which pose a potential risk to public safety;
   h. At risk found persons;
   i. Non-injury traffic collisions with road blockage;
   j. Suspicious persons and/or vehicles where potential criminal activity is afoot;
   k. Non-violent suspects in custody by citizens or security (including shoplifters in custody);
   l. Any at-risk or under 21 years of age missing persons/runaways absent immediate threat to life or great bodily injury;
   m. Vicious animals where the animal poses a potential risk to the public; and
   n. Arson or other known non-life threatening hate incident (including possible hate crime related vandalism/graffiti).
d. Prior person crimes and residential burglaries;

e. Prior non-life threatening incidents where a field response is necessary;

f. Stolen vehicles* (with an immediate radio broadcast on all operational channels).

4. Priority "3" calls shall include:

a. Lost or stolen license plates*;

b. Recovered stolen vehicles*;

c. Prior commercial burglaries*;

d. Prior vehicle burglaries*;

and

e. Prior vandalism or thefts when any of the following conditions are present:

i. Three or more victims are identified in the same incident/geographical location which reasonably appear to have been committed by the same suspect(s), indicating a crime spree;

ii. A firearm was reportedly stolen during the vehicle, residential burglary or theft;

iii. Evidence is present which may lead to the identification and/or arrest of suspect(s) through timely follow-up (e.g. video evidence, eyewitness of suspect vehicle license number, suspect identification left at scene, etc.); or

iv. Any such incident likely to result in significant media attention.

5. Priority "4" calls shall include:

a. Those which require a police response with no immediate problem present and the RP requests member contact;

b. Prior criminal/suspicious activity not described elsewhere in this order;

c. Illegally parked/abandoned vehicles when vehicle poses a traffic hazard*;

d. Public assistance;

e. Standby to preserve the peace;

f. Missing person 21 years or older and not at risk;

and

g. Prior graffiti amounting to a felony crime or misdemeanor graffiti with evidence present* (e.g. video evidence, spray cans with possible latent prints left behind, etc.).

6. Priority "5" calls shall include all administrative events.

7. Priority "6" calls shall include:

a. Non-emergency lobby calls at HQ, excluding calls which require immediate follow-up;

b. Hit & run, involving property damage only;

and

c. Prior violations of court orders.

8. Priority "7" calls shall include:

a. Calls which qualify for telephonic contact however, require timely response due to mandate (i.e. supervisor direction).

9. Priority "8" calls shall include:

a. Calls which qualify for telephonic response, which are not appropriate for cadets (i.e. death threat received by phone, etc.).

10. Priority "T" calls shall include:

a. Petty and grand thefts (excluding grand theft from a person)*;

b. Vandalism (including prior misdemeanor graffiti without evidence present)*;

c. Annoying or harassing telephone calls, including known suspects*;

d. Vehicle burglary* (may be taken telephonically if victim requests no field response);

e. Vehicle tampering*;

f. Identity Theft, frauds and forgeries, including known suspects (with or without evidence present)*;

g. Hit & run, involving property damage only with no identifiable suspects*;

h. Courtesy reports - refer to agency w/ primary jurisdiction with the exception of those calls requiring a mandatory report (i.e. domestic violence, sexual assaults, missing juveniles);

i. Prior disturbances (excluding domestic violence);

j. Follow up reports when circumstances permit.

11. Incidents eligible for eReporting with no known suspects and/or evidence include:

a. Petty and grand thefts (excluding grand theft from a person);

b. Vandalism (including prior misdemeanor graffiti without evidence present);
c. Annoying or harassing phone calls;
d. Vehicle burglary;
e. Vehicle tampering;
f. Prior violations of court orders;
g. Lost property; and
h. Identity theft, frauds and forgeries (includes evidence present).

A CFS that is followed by an asterisk (*) indicates that when circumstances permit, a Cadet should respond. The absence of an asterisk does not preclude a Cadet from being dispatched to assist on other types of CFS. When it is determined a suspect is present on scene, the Cadet will be preempted and an officer will be dispatched instead. Cadets handling eligible telephonic CFS with known suspects should gather sufficient information to facilitate follow-up by a detective.

Chaplains who have received the appropriate training should be assigned to handle CFS involving runaway juveniles who are not at risk, as well as runaway juveniles who have returned, whenever possible. When a runaway CFS is handled by a unit other than a chaplain, the report should be routed to “Chaplain” via the RPW system, to facilitate follow-up contact.

Citizens on Patrol (COP's) should be utilized to assist with traffic and crime scene control, vehicle towing/impounds and parking violations. COP's may also be assigned to assist on other non-emergency CFS, based on the needs of the Department.

ShotSpotter Technologies (SST) Flex Alerts

All SST Flex alerts will be designated as Priority “0” CFS, and will be assigned a 4X4 event classification.

- When a patrol officer receives an SST Flex alert via MDS and is in a position to respond directly, he/she shall “self-initiate” a CFS by notifying dispatch via radio of the location of the alert and where they are responding from;
- Supervisors will respond to all CFS initiated from an SST Flex alert;
- The first three dispatched officers (including the supervisor and officer self-initiating the CFS) should respond unless additional units are requested by the supervisor; and
- Units arriving at the location identified by the alert should park far enough away to allow for a tactical approach in light of the 82 foot radius of where the suspect shooting the weapon is.

B. Responding to CFS

When members are dispatched to a call, they should place themselves en route and respond without delay.

Personnel assigned to modified duty with telephonic report responsibilities may be assigned to re-contact reporting parties for additional information on calls that have been holding for an extended period. If officers are no longer needed, the call may be cleared out, when appropriate.

Conflicting Requests for Service

When a member is dispatched to a call and encounters another situation requiring police service while en route, 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 shall 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.

Self-Initiation During Call Responses

Members responding to a high priority call shall not self-initiate any activity that will delay their response to the call except as necessary to protect lives or property.

- When such a delay occurs, the responding member shall immediately advise the ESD and request that he/she be released from the call and reassigned to the new incident.
- The ESD may permit preemption consistent with the priority of pending CFS.

Field supervisors are responsible for monitoring personnel under their supervision to ensure that self-initiated preemptions from CFS are warranted.

Non-Dispatched Units

Field units should not go by the location of a call assigned to another unit unless requested, or it reasonably appears necessary for officer safety purposes.

“Any Unit” Responses for “0” Priority Emergency CFS

1. When an ESD asks for a response from “any unit” or “any unit available,” the request shall be construed as applying to all uniformed field officers, supervisors, and staff; regardless of location, or area of assignment. When an ESD requests a response from officers in a certain policing District, it shall apply to all uniformed officers, supervisors, and staff who are logged on to the MDS, including traffic and bike units who are assigned to, temporarily within, or immediately adjacent to the affected District;

2. When an ESD broadcasts an “any unit” request, officers, supervisors and staff that are available or can make themselves available shall acknowledge by radio, give their location, and await instructions from the ESD;

3. The ESD shall utilize the AVL map or the AVL unit recommender in determining the closest appropriate unit to send or break from a lower priority CFS in order to respond to the higher priority CFS for which the request was made. The ESD will follow communications Policy in determining which unit(s) should be dispatched to a CFS;

4. When there is no immediate response, utilizing the AVL unit recommender, ESD’s will break the required number of units from lower priority CFS and dispatch them to handle the higher priority CFS;

5. ESD’s shall not request “any unit” responses for “0” priority CFS when there are patrol units assigned to that District “in service” and available to respond. Units assigned to that District shall be dispatched to CFS within their District unless there is a unit from a different District which is closer to the CFS, and the District unit would have an extended arrival time;

6. ESD’s shall advise a field supervisor, Operations Commander, or Field Commander when no units are available to respond to a “0” priority CFS;

7. When an ESD determines that a patrol vehicle’s AVL is malfunctioning or not registering, the District supervisor of that unit will be notified. The supervisor will ensure that the vehicle is pulled from service at the earliest opportunity and tagged for repair.

Cross-District Dispatching

ESD’s shall strive to ensure that the officers assigned to a particular beat or District respond to the CFS within their District of responsibility.

- It may become necessary to direct resources to Districts where emergency CFS are backlogged when there is little likelihood of CFS being answered within a reasonable time.

- Under these circumstances, all uniformed officers, supervisors, and staff who are logged on to the MDS, including traffic and bike units who are temporarily within, or immediately adjacent to the affected District may also be cross-District dispatched for “0” priority CFS.
Plainclothes units should not be sent by themselves to CFS requiring the presence of uniformed officers. Only uniformed patrol officers assigned to a beat or District shall be subject to cross-District dispatch of "1" priority CFS. CFS in the priority "2", "3", "4" and T categories may be cross-District dispatched to Cadets. Officers and Cadets may be dispatched to any call at the discretion of a District, Operations or Field Commander.

Late CFS
Field members on duty are considered available for assignment to CFS until they go off duty.

Members shall not "log off" or turn their radios off more than five minutes before their shift is over.

ESD's should try not to assign low priority CFS that will extend a field unit beyond the end of his/her shift.

"0" and "1" priority CFS shall be dispatched immediately, even when it causes a field unit to be late. Members receiving such CFS will handle them without questions or complaints to ComCen personnel.

When an officer feels an ESD acted improperly, it may be brought to the attention of the member's immediate supervisor who will discuss it with the ComCen supervisor after the call is completed.

Call Arrival/Multiple Unit Responses
A member's first consideration on arriving at a call should be the protection of life balanced by the need for officer safety.

When assistance appears to be needed, it should be requested immediately. Pending the arrival of assistance, the member should take the safest measures possible to provide necessary assistance to those at risk of injury without unnecessarily jeopardizing his/her own safety.

When more than one unit is sent on a call, the primary unit (i.e. the member designated by the ComCen to handle the call) is responsible for coordinating the response and arrival of assisting units.

The first unit arriving on a multi-unit call shall advise of his/her arrival on the radio to alert assisting unit(s).

When it is determined that assisting units will not be needed, the first arriving unit or primary unit shall cancel the unneeded assisting unit(s) and handle the call or await the primary unit's arrival.

The designation "Code Four" may be used to cancel assisting unit(s).

After a "Code Four" or equivalent transmission, all units not arrived are considered canceled and shall immediately return to service.

C. General Call Handling

Members handling CFS should direct their attention toward the long term solution of the problem. When appropriate, district problems which require strategic approaches shall be referred to the district commander for consideration of assignment to the POP Team.

Preliminary Contacts & Evaluation
RP's who are identified in the call should be contacted as soon as possible after arrival, unless the RP has requested that they not be contacted. When the RP is unknown, any potential witnesses should be contacted to determine the exact nature of the call. The first arriving officer shall evaluate the need for additional assistance and/or immediate actions that need to be taken. The primary officer assigned to a call is ultimately responsible for handling the call.

Members shall take all reasonable and appropriate actions to resolve complaints after a complete determination of the facts has been made. When a report is taken, the field member shall provide the victim/RP with a Department business card containing the member's name, badge and phone numbers,
Interviewing Involved Parties (IPs)

The primary officer shall make every effort to interview all parties involved in an incident before deciding on a course of action or disposition of the call. The RP or witness identity should not be disclosed to other IPs without the express permission of the parties in question.

Public Satisfaction

When possible, members shall strive to resolve calls to the satisfaction of all parties involved and to provide services as appropriate.

Informing RP of Action to be Taken / Disposition

Members shall attempt to inform the RP of the course of action that will be taken by the police unless no contact has been requested. When members are successful in resolving a complaint they should attempt to notify the RP of the incident disposition in a timely manner.

Inability to Act

Should members be unable to take action in response to a CFS, they shall attempt to inform the RP as to why they cannot act. This may involve giving information regarding the law, explaining the rights of the involved parties, the limited authority vested in the police, or the lack of a criminal violation.

Referrals

Members may make referrals to appropriate public or private agencies/organizations when they may enhance the resolution of the complaint. When explaining the availability of services available through private providers, members shall not make specific recommendations of businesses but should attempt to provide a range of options.

Civil Law

Members should not attempt to explain civil law in civil cases beyond their expertise and training. Members may relate general legal principles and procedures whereby a person may obtain assistance such as retaining or consulting with an attorney.

Chronic/Spite Complaints

When a chronic problem is identified, the RP should be re-contacted periodically to determine if the conditions complained of have improved and to assure the party of a continued police effort on his/her behalf. Sector officers are responsible for developing courses of action designed to abate the cause(s) of complaints.

911 Hang-Ups with Unknown Circumstances

Members responding to 911 hang-ups with unknown circumstances shall take the following steps:

- Check for signs of a struggle (e.g. broken/damaged property);
- Ensure a call-back was attempted by ComCen;
- Knock on the door and announce police presence;
- Request ComCen call-back while officers are present to listen for a phone ringing inside the residence/structure;
- Contact neighbors for any potential information;
- Check prior calls at the location for information on the occupants;
- Add notes to the event documenting efforts to contact the caller; and
- Prior to clearing 911 hang-up calls from cell phones, wait until ComCen has made every attempt to narrow down the originating calls location.
When the primary officer is unable to make contact with the caller, he/she shall contact a supervisor to advise him/her of the situation. The supervisor will then determine whether officers should clear the call or make a forced entry.

**Cell Phone Emergency Pings**

When an officer believes in good faith that an emergency involves the danger of death or serious physical injury to any person and requires access to the electronic information, the officer may request an emergency ping to obtain electronic information pursuant to the emergency exception of the California Electronic Communications Privacy Act (CalECPA) with supervisor approval.

When electronic information is obtained from the emergency ping request, the supervisor shall notify the corresponding investigation unit supervisor of the emergency ping and request for the filing of a warrant, order or motion seeking approval of the emergency disclosure within three days. [Penal Code §1546.2(a)]

**D. Code 100 Response Condition**

**Criteria for Declaration of Code 100**

When the city-wide backlog of Priority 0 and 1 CFS reaches the equivalent of one-half (1/2) of the total field units assigned at any given time, the ComCen supervisor shall notify the Field Commander with PIO responsibility of the situation. When this backlog appears to exceed the ability of field units to respond in a timely and effective manner, the Field Commander or senior field supervisor (in the commander's absence) may declare a Code 100 Response Condition.

When a special event or incident requires a substantial redeployment of field units likely to produce a backlog of calls, a "Planned Code 100" may be declared at the direction of the district, operations, or field commander.

**Procedures During Code 100 Declaration**

Under a Code 100 Response Condition, only priority 0 and 1 CFS will be accepted by the ComCen. When the backlog of priority 0 and 1 CFS pending is reduced to one-fourth (1/4) of the total field units assigned, the ComCen supervisor shall notify the Field Commander of the status. At that time, ComCen will resume taking all priority 2 and priority 3 CFS. Under a "Planned Code 100 Response," the ComCen will resume taking low priority calls when cleared by the commander or supervisor who declared the condition.

Upon receiving direction to activate the Code 100 Response Condition, the ComCen shall:

- Broadcast the condition over all radio channels in use;
- Accept only priority 0 & 1 CFS from the public; and
- Advise persons with calls of all other priorities that the Department is responding to emergency CFS only and suggest that they call back at a later time.

**E. General Call Handling of Cadet CFS**

Cadets will generally be dispatched to non-emergency CFS. The following guide directs the priority order of how these CFS are to be handled:

- Residential burglaries;
- Stolen vehicle reports;
- Other Priority 3 CFS;
- Priority 4 CFS;
- Priority 7 CFS; and
- Priority T CFS.

Exception: Supervisors and staff may direct a Cadet to handle other tasks as necessary. However, the primary duty of Cadets is handling of non-emergency CFS with no suspects present.
For consistency in closing out stolen vehicle reports and telephonic calls, when the phones are busy or not answered, the following should apply:

- When the call is of an urgent nature, or if circumstances warrant (i.e. a stolen vehicle call, runaway, or a reason to believe that the phone is out of order, etc.), a field response may be required to ensure that the R/P is aware of our efforts to establish contact. Any note or message left for the R/P should contain the event number and the Department’s main phone number. Generally, stolen vehicle and runaway juvenile events will not be closed due to “no” contact.

- When a member reaches the answering machine of an R/P, the event number and the Department’s main phone number shall be left as a message and the R/P shall be advised to call back with the event number. The call can be closed with a disposition code of “G” (GOA). Once the R/P calls back with the event number, the same event shall be reopened for contact.

- In cases where no answering machine is available, efforts should be made to call the R/P at least twice, with a minimum of thirty minutes between attempts. When there is still no answer the call shall be closed with a disposition code of “G”.

   1. Each attempt requires a notation in the event to document the time(s) of the attempt(s).
   2. To facilitate contact, dispatch will request the R/P’s current phone number and an alternate number, even on weekends. They will also instruct the R/Ps on telephonic calls to call back with the event number if we do not contact them within 24 hours.

F. Chaplain Call

Chaplain Call – out

A Police Chaplain will be automatically dispatched, at the time of receipt of the call, to the scene of all:

- Deaths,
- Officer involved shootings (of people),
- Injuries where death is likely to result,
- Fatal accidents.

When an officer subsequently determines that the Chaplain cannot be utilized on a call within these categories, the ComCen should be notified as soon as such a determination is made so that the Chaplain may be canceled.

When there is any other type of call where an officer believes a Chaplain may be of assistance, the ComCen shall be requested to dispatch one or more, as needed.

G. Graffiti Abatement

Graffiti Abatement employees are responsible for checking the Graffiti Hotline and responding to calls for graffiti abatement. Whenever possible, graffiti abatement should occur within 24 hours of being reported to the Hotline. Prior to eradicating graffiti, digital photographs of the graffiti will be taken by a member of the Graffiti Abatement Team. The photographs should be emailed to a member of MAGEC and the appropriate District Investigations/Problem Oriented Policing supervisor.

H. Supervisory Responsibility

Field supervisors shall monitor CFS to ensure that only the necessary units remain on a call and that the call is handled in the shortest possible time.

Sergeants preparing Unusual Occurrence Reports where a Chaplain is utilized shall include the name(s) of any Chaplain who responds.

Supervisors receiving photographs of graffiti reported to the Graffiti Abatement Team should forward the photos to the appropriate investigator for informational purposes.
A. **Vehicles Authorized For Code-3 Operation**  
No vehicle transporting prisoners shall operate Code-3 at any time for any reason.

Patrol wagons or plain cars with interior-mounted or spotlight type red lights and sirens shall not be operated Code-3 except in cases of an emergency, and then only when a patrol vehicle is unavailable to respond.

B. **Authorized Code-3 Responses**  
Operation of a vehicle Code-3 is authorized and should be utilized under these conditions:
- While in immediate pursuit (mandatory);
- When directed by, or approval is received from, a supervisor or staff officer;
- In response to an officer/firefighter/paramedic call for help (emergency situations only);
- In response to ALL priority “0” calls for service (CFS);
- In response to a life-threatening incident (non-crime related) where serious injury or death is potentially imminent or has been reported; or
- In response to priority “1” CFS which are in-progress AND the suspect(s) are in the immediate vicinity and apprehension is likely.

Officers should not utilize Code-3 driving outside of the circumstances listed above.

The following number of vehicles may respond Code-3:
- The two closest available units may respond Code-3;
- When there is reliable information that the suspect is no longer in the immediate area, one unit may respond Code-3; and
- The first arriving Code-3 unit shall cancel all other unit's Code-3 when not needed.

C. **Notification of Code-3 Response**  
Except in response to a call of an officer needs help, any officer responding Code-3 shall state over the radio that they are responding Code-3 and give their location.

D. **Code-3 Vehicle Operation**  
Members utilizing Code-3 shall drive with due regard for the safety of all persons using the highway. The vehicle’s emergency warning lights shall be activated and the siren shall be sounded as may be reasonably necessary to warn other drivers and pedestrian (Vehicle Code §§21055, 21056, 21057, and 22350.)
When possible, requests for assistance Code-3 shall include the number of officers needed to respond. Unless otherwise specified by the requesting officer, the ComCen will dispatch a minimum of two units to respond to the Code-3 request.

Upon resolution of the situation, the immediate supervisor of the member requesting assistance Code-3 shall review the circumstances relating to the request and the necessity of a Code-3 response.

G. **Failure of Emergency Equipment**
If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Shift Sergeant, field supervisor, or the ComCen of the equipment failure so that another unit may be assigned to the emergency response.

H. **Emergency Vehicle Preemption**
Emergency Vehicle Preemption (EVP) technology will be used to assist officers while operating an EVP technology equipped emergency vehicle. EVP technology is only active when the emergency vehicle is in drive and operating “Code-3” (with lights and siren).

The use of EVP technology is restricted to Code-3 emergency response in accordance with this Procedure and Policy and Procedure § 315 and Vehicle Code §21055.

Members utilizing EVP technology shall drive with due regard for the safety of all persons using the highway and keep in mind the following:
- Intersections being entered against the signal should be cleared one lane at a time;
- Passing on the right should be avoided except under circumstances ensuring it is a safe maneuver;
- Alertness for distracted drivers and pedestrians who are unaware of your approach, despite your lights and sirens;
- Awareness that drivers ahead of you may not hear your siren on the approach, and may make abrupt and panicked driving maneuvers at the last second, so drive accordingly.
A. **Canine Supervisor**

The canine supervisor shall be appointed by and directly responsible to the Canine Unit Commander or the authorized designee.

The responsibilities of the supervisor include, but are not limited to:

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

B. **Handler Responsibilities**

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

The canine handler is responsible for the following:

- Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- When not in service and not secured inside a lockable, enclosed garage, all Department equipment will be removed and secured away from the vehicle.
- Handlers shall permit the canine supervisor to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine supervisor as soon as possible.
- If the handler has a change in residence, they will be responsible for the transfer and installation of the canine kennel to the new place of residence.
- When off-duty, the canine shall be in a kennel provided by the City at the handler's home. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- Under no circumstances will the canine be lodged at another location unless approved by the canine supervisor or Unit Commander.
- When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine supervisor or Unit Commander.
- When a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine supervisor so that appropriate arrangements can be made.
C. Preparation For Deployment

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

- The nature and seriousness of the suspected offense.
- Whether violence or weapons were used or are anticipated.
- The degree of resistance or threatened resistance, if any, the suspect has shown.
- The suspect's known or perceived age.
- The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- Any potential danger to the public and/or other officers at the scene if the canine is released.
- The potential for the suspect to escape or flee if the canine is not utilized.
- Whether the individual is reasonably believed to be under the influence or otherwise mentally impaired.

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

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

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

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

D. Warnings and Announcements

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

- Providing adequate time for anyone within the search area to make themselves known and give up/come out;
- Utilization of public address systems (car or helicopter); and
- Giving several announcements, speaking slowly and clearly enough to be understood.
- During a search for a suspect, the canine may alert to the presence of a concealed suspect.

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

E. Apprehension Guidelines

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

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

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

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

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

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

F. Reporting Deployments, Bites and Injuries
Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a canine use report. The responding supervisor shall complete the Use of Force documentation in IA Pro/Blue Team and forward to the Canine Supervisor for review.

The injured person shall be treated by emergency medical services personnel as soon as practical and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

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

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

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

• Absent a change in circumstances that present an imminent threat to officers, the canine or the public, such operations should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
• Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
• Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
• Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.
H. **Narcotics Detection**
A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:
- The search of vehicles, buildings, bags and other articles.
- Assisting in the search for narcotics during a search warrant service.
- Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

I. **Bomb/Explosive Detection**
Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:
- Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
- Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- Preventive searches at special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

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

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

K. **Outside Agency Request**
All requests for canine assistance from outside agencies must be approved by the on duty Commander and are subject to the following:
- Canine teams shall not be used for any assignment that is not consistent with this policy.
- The canine handler has the authority to decline a request for any specific assignment that he/she deems unsuitable.
- It is the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- It shall be the responsibility of the canine handler to complete all necessary reports.

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

M. **Canine In Public Areas**
The canine shall be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.
- A canine shall not be left unattended in any area to which the public may have access.
• When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

N. **Canine Injury and Medical Care**

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition shall be reported to the canine supervisor or on-duty Commander as soon as practicable and appropriately documented. Arrangements for treatment shall be made by the handler for the canine’s injury or condition to receive prompt attention as necessary.

The unit commander has the final authority in regards to medical treatment and procedures for the canines.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment outside of the veterinary file shall be maintained by the canine unit supervisor.

O. **Handler Selection**

The minimum qualifications for the assignment of canine handler include:

• An officer who is currently off probation;
• Residing in an adequately fenced, single-family residence with a yard (minimum 6-foot high fence with locking gates). Officers living in an apartment are not qualified;
• Willingness (and authority) to allow a City owned kennel to be installed by a contractor;
• Take-home vehicles require the handler to live inside the City of Fresno or no more than fifteen (15) miles from the city limits;
  o Canine Officers who reside farther than fifteen (15) miles from the City limits must leave their assigned vehicles at an approved City facility, and provide approved secure transportation for the canine from that point to their residences; and
• Agreeing to be assigned to the position for the service life of the canine absent promotion opportunities.

P. **Handler Compensation**

Canine handlers shall be available for call-out under conditions specified by the canine supervisor.

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

Q. **Training**

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Each canine team shall thereafter be recertified to a current POST, California Narcotic Canine Association (CNCA) or other recognized and approved certification standards on an annual basis.

Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified by the CNCA or other recognized and approved certification standards established for their particular skills.

All canine training should be conducted while on-duty unless otherwise approved by the canine supervisor or Unit Commander.

Additional training considerations are as follows:

• Canine handlers are encouraged to engage in additional training with approval of the canine supervisor.
To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.

Because canines may be exposed to dangerous substances such as opioids, the canine coordinator should also provide training for the canine handlers about the risks of exposure and treatment for it.

R. **Failure To Complete Training**
Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. Other restriction to canine deployment may be imposed on the handler by the canine supervisor (e.g., leash, muzzle) as deemed necessary and/or appropriate until standards are met.

S. **Training Records**
All canine training records shall be maintained by the Canine Supervisor.
All controlled substance samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

Officers will maintain copies of the authorizing court orders with the training aids.

Explosive Training

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

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible.

The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- The canine supervisor shall be responsible to verify the explosive training aids on hand against the inventory ledger once each quarter.
- Only members of the canine team shall have access to the explosive training aids storage facility.
- A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on scene will be designated as the secondary custodian.
- Any lost or damaged explosive training aids shall be promptly reported to the canine supervisor, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives.
Unless advised otherwise by a reporting party, members will respond to all person and business robberies, robbery alarms, and silent holdup alarm calls for service, as though they were "in progress", exercising caution and making safety a priority.

A. **Robbery in Progress**
   A dispatcher receiving a call of a robbery in progress (including Sonitrol alarms), or one that has just occurred, shall attempt to keep the caller on the line and obtain the following information, which shall be broadcast as it is received:
   - Exact location of occurrence and name of the bank or business;
   - Whether the suspect(s) are present or have fled;
   - Complete description of suspect(s) and vehicle, direction of flight, and elapsed time since departure;
   - Weapon(s) used; and
   - Property taken.

B. **Robbery Alarms**
   A dispatcher, upon being notified of a silent hold-up alarm, shall broadcast the location and the name of the bank or business.
   - Dispatchers shall not attempt to re-contact the bank or business until asked to do so by responding units.
   - When a dispatcher is directed to re-contact the bank or business they shall follow the procedures listed in Section A.

When the alarm is false, bank or business management personnel should be requested to exit and make contact with the responding officer and follow his/her directions. Additionally:
   - The description of the person initiating such contact shall be given to the officer;
   - The arriving officer shall direct the person who exits to an area of safety to ensure that a suspect did not send the employee out as a decoy;
   - The officer shall then check the premises to ensure that no further assistance is required; and
   - A False Alarm Notification card shall be completed and provided to an employee;
   - The officer shall make a note in the event report that a card was left with an employee;
   - The disposition code “E” for false alarm shall be used to clear the event.
Officers should wait until the suspect(s) leave the location before attempting apprehension.

- Officers should not intervene in a robbery in progress except when absolutely necessary for the protection of life.
- All officers shall take necessary measures to determine that the suspect(s) have left the location of the robbery prior to entering.
- Plainclothes officers shall exercise discretion when entering the location of a robbery in progress or a silent hold-up alarm, and shall advise dispatch and assisting units when they are responding.

When suspects refuse to exit a location or have taken hostages during a robbery, officers shall secure the location and a supervisor shall assume command of the incident.

D. **Investigative Requirements**

When there is no other evidence to identify a suspect (e.g., vehicle license number, surveillance photo, names, etc.) the investigating officer shall complete a Request to Show M.O. Files Form for all victims and witnesses and shall insert a day and time for the viewing of photos.

- The date/time used should be as soon as possible after the occurrence and during hours that HQ is open to the public.
- The completed forms shall be forwarded to the Robbery Unit at the end of the investigating officer's shift.
- As a general rule, identi-kit composites should be requested only by the assigned Robbery Unit investigator.

While the initial suspect(s) description (check boxes) on the report may appropriately describe a composite of victim/witness descriptions, the report narrative shall list each victim/witness description and actions of the suspect(s) separately in their respective statements.

- The crime report shall reflect whether each witness/victim can identify the suspect(s) and whether they can do so by photo, in person, or both.

Every attempt shall be made to locate and preserve physical evidence (fingerprints, blood, masks, hats, etc) at each robbery scene. Arrangements to photograph injuries sustained by the victim should be made as soon as possible after the incident is reported consistent with the guidelines in Procedure § 329.

In any business robbery, both the business and the clerk(s) who were robbed (regardless of any personal loss), shall be listed as victims. Any customer who may also have been robbed shall also be listed as a victim.

E. **Detective Notification**

The Robbery Unit supervisor shall be promptly notified by the ComCen when a confirmed bank robbery has occurred.

- Field units investigating other robberies, where the assistance of a detective is needed, shall contact the Robbery Unit supervisor or, in his/her absence, a Unit investigator.
- When the decision is made to utilize a detective, the primary officer retains complete responsibility for the initial investigation, reporting, and evidence collection.

F. **FBI Notification**

The FBI shall be promptly notified by the ComCen when a confirmed bank robbery has occurred.

G. **Surveillance Cameras**

Bank Film and Video Tapes

The FBI will normally handle the recovery of film and video tapes from a bank robbery.

- When an agent is not available, a Robbery Unit investigator will be responsible for the recovery.
• In the absence of both, the primary investigating officer may either book the film and/or video tape, when it is provided by the victim, or ensure that the evidence will be protected until a detective or agent is able to retrieve it.

H. Special Video Tape Booking Procedure
Video tape evidence from robberies shall be booked into the appropriate locker in the Property Evidence Control Section.
• Tapes shall not be booked at any district station.
• These videos will be listed on a separate Property Evidence Report from any other evidence booked.
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.

A. Definitions

Abuse - Intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury.

Domestic Violence - Abuse committed against an adult or minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the suspect has had a child or is having or has had a dating or engagement relationship.

Cohabitant - Two unrelated adult persons living together for a substantial period of time, resulting in some permanence of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:

- Sexual relations between the parties while sharing the same living quarters;
- Sharing of income or expenses;
- Joint use or ownership of property;
- Whether the parties hold themselves out as husband and wife;
- The continuity of the relationship; and
- The length of the relationship.

The above definition of cohabitant is used for the application of enforcing PC §273.5. Family Code §6209 expands the definition of cohabitant to include a person who regularly resides in the household for the application of enforcing PC §836(d).

B. Dominant Aggressor

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:

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

C. Felony Arrests

In accordance with state law, an arrest should be made when there is probable cause to believe a felony has occurred.

D. Misdemeanor Arrests for Domestic Violence

Police officers may make an arrest without a warrant for a misdemeanor assault or battery not committed in his/her presence when it is committed upon:

- A current or former spouse
- A current or former cohabitant (Family Code §6209 definition)
- A fiancé or fiancée
- A person with whom the suspect currently is having or has previously had an engagement or dating relationship
• A person with whom the suspect has parented a child
• A child of the suspect or a child of one of the above listed categories
• Any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship

Both of the following conditions must be present in order to make an arrest in this situation pursuant to PC §836(d):
• 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
• 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

There is no specific time frame in which an arrest for the above violations may be made. However, it has been determined that the authority to arrest continues during the time the officer is still actively investigating the case and/or attempting to locate the violator throughout the course of that officer’s work shift. Since this arrest authority does not carry on indefinitely, officers shall not place suspects who are wanted only on misdemeanor domestic violence charges on broadcast sheets, nor on the DCB.

E. Field Release (Cite & Release)
A field release may not be used and a physical arrest shall be made when:
• The subject is arrested for a violation of Penal Code §243(e)(1), §646.9 or a protective order involving domestic violence when:
  o The detained person made threats to kill or harm;
  o Has engaged in violence against; or
  o Has gone to the residence or workplace of the protected party.
• 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 (PC §853.6).

Cite & releases will be done in accordance with Policy/Procedure §420.

Any one of the following may support the likelihood of a continuing offense:
• Whether the suspect has a prior history of arrests or citations involving domestic violence
• Whether the suspect is violating a criminal court issued Stay Away Order
• Whether the suspect has previously violated, or is currently violating, a valid temporary restraining order
• Whether the suspect has a prior history of other assaultive behavior (e.g., arrests or convictions for assault and battery or aggravated assaults)
• Statements taken from the victim that the suspect has a history of physical abuse towards the victim
• Statements taken from the victim expressing fear of retaliation or further violence should the suspect be released

F. Private Persons Arrest
Officers will advise the victim of his/her right to make a private person’s arrest when a crime has been committed outside the officer’s presence which does not meet the requirements for an officer initiated arrest either because it is not a felony or a qualifying misdemeanor offense under PC §836(d). Advisements regarding private person’s arrests should be held out of the presence of the suspect. Officers shall not dissuade victims from making a lawful private person’s arrest. Officers should refer to the provisions of Procedure §364 for further options regarding the disposition of private person’s arrests.

G. Suspect Not Present
In domestic violence cases where the suspect has left the scene, an investigation should be conducted to determine if a crime has been committed. In such circumstances a report shall be completed and the
victim shall be informed of the case number and the follow-up criminal procedure [PC §§13730(c) and 13701(c)].

H. **Supervisor Responsibilities**

A supervisor shall respond to any incident of alleged domestic violence involving a law enforcement officer from the Department or any other law enforcement agency. When an employee is involved as victim or a suspect, the Domestic Violence Unit supervisor shall be notified.

The following tasks shall be completed by the on-scene supervisor:

- The involved officer’s chain of command shall be notified;
- If the accused is a sworn member, a supervisor above the rank of the accused shall be requested to the scene to supervise the investigation and make appropriate notifications;
- In a case where the Chief of Police is the accused, the City Manager shall be notified;
- The Domestic Violence Unit supervisor shall be notified and will determine if an investigator should respond to the scene;
- The officer’s duty weapon will be removed when appropriate;
- The Department’s legal advisor shall be notified;
- A confidential unusual will be completed; and
- When a peace officer from another agency is involved, the on-scene supervisor shall notify the district, assistant district, or field commander, who shall make phone notification to the involved officer's agency as soon as practical.

I. **Mandatory Notifications**

Members shall contact the Domestic Violence Unit supervisor to determine the need for response or involvement by a follow-up investigator for incidents involving any of the following circumstances:

- Domestic violence involving serious injury and the victim will be admitted into the hospital;
- Domestic violence involving a Department employee as the victim or suspect; or
- Domestic violence offenses that will become high profile which may cause media inquiries early in the investigation.

J. **Reporting Procedures**

Officers shall ensure they make the victim(s) confidential by checking the appropriate check boxes in RPW. The “Domestic Violence” checkbox in RPW shall be checked as well as indicating the report is a domestic violence incident in the Case Factors.

Children in common, or who are present in the home, should be listed in the report.

The system will generate a Controlled Document using the listed confidential information. Confidentiality is not necessary when both parties are listed as victims, suspects or involved parties.

Department members shall also accept and provide written documentation for all calls or reports, including those made anonymously, of domestic violence involving peace officers. These reports shall be turned into records as a “restricted” report and shall maintain that status until the investigation has been completed. This Department's Domestic Violence Investigation Unit shall also deliver a written copy of reports involving peace officers from different agencies to the involved officer’s agency.

In addition, domestic violence reports must also specifically include:

- A notation as to whether the officer(s) who responded to the domestic violence call observed any signs that the alleged abuser was under the influence of alcohol or a controlled substance;
- A notation as to whether any law enforcement agency had previously responded to a domestic violence call, including incidents involving violations of domestic violence restraining orders, at the same address involving the same alleged abuser or victim (PC §13730). This mandate may be accomplished by checking MDS data bases and/or through information received from involved parties.
- A notation as to whether or not children were present;
• A specific description of any weapon(s) used;
• A notation if the officer found it necessary, for the protection of the officer or other persons present, to inquire from the parties whether a firearm or other deadly weapon was present and the results of the inquiry; and
• A notation as to whether there were indications that the incident involved strangulation or suffocation, including incidents reported by any witness or victim, symptoms reported by any victim, or any signs of strangulation or suffocation observed by the officer (Penal Code § 13730).

K. Evidence

Weapons
Suspects often use objects (e.g., beer bottle) and/or weapons to commit assaults. All objects and weapons used in the commission of crimes should be booked into evidence. If an object/weapon is not booked, the officer must provide sufficient reason in the police report.

Victim Photographs
All victim injuries shall be photographed regardless of severity by the officer or CSI, unless the victim refuses. Refer to Procedure §805.

Officers shall make an attempt in all felony cases resulting in serious injury requiring medical attention, or from strangulation, to have the victim’s injuries photographed by Crime Scene Investigations (CSI) personnel. If CSI is unavailable to respond or it is determined that it will be a prolonged response, officers should consider seeking the victim’s consent to be transported to the CSI to be photographed.

Suspect Photographs
Officers investigating a felony domestic violence incident with the suspect at large shall request from the victim a photograph of the suspect.
• The officer shall request the victim to point out the suspect in the photograph.
• The photograph shall be labeled with the CN and officer’s initials.
• A copy of the photograph shall be turned in with the original report and the photograph shall be booked into evidence.

If no photograph is available the victim may view an RMS mug photo and identify that photo by name and as the person responsible for the crime.

If no photos are available, unique tattoo or scar information shall be documented in the narrative of the report as being provided by the victim to identify the suspect.

L. Confiscation of Firearms
An officer handling an incident of domestic violence which involves a threat to human life or physical assault shall seize all firearms present at the scene of the incident found to be in plain sight or found as a result of a consensual or lawful search when it appears necessary to do so for the protection of officers or other persons present. Any firearm confiscated as a result of a domestic violence incident shall first be checked in the Automated Firearms System (AFS) on either the MDS or through the ComCen to determine if the firearm is stolen. When the firearm is found not to be stolen, it shall be booked for evidence or safekeeping as necessary. Any ammunition confiscated with the firearm shall also be booked [PC §12028.5(b)].

A member who seizes a firearm during an incident of domestic violence shall provide the owner or another adult household member with a “Fresno Police Department Receipt and Notice of Rights for Confiscated Firearms/Other Deadly Weapons” Form. The receipt shall describe the make, identification or serial numbers on the firearm, and also the case number. The receipt shall also include the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; PC § 18255; PC § 33800; Family Code § 6389(c)(2)). A CN shall be obtained from the ComCen at the
time the property is confiscated. The owner or household member shall then sign the receipt. The top (green) copy of the receipt shall be given to the owner or household member, the hard and pink copies shall be attached to the appropriate report form, and the yellow copy shall be attached to the PER accompanying the weapon being booked.

M. **Return of Firearms**
When a firearm is seized and the involved person/suspect inquires how to get their firearm/weapon back, officers shall refer the involved person/suspect to the listed directions on the form.

N. **Victim Assistance**
During the course of investigating and reporting domestic violence cases, an officer may assist a victim in many ways. Some required methods of assistance are:

- Assist in obtaining appropriate medical attention if a complainant claims injury, whether visible or not;
- Advise the victim that strangulation may cause internal injuries and encourage the victim to seek medical attention;
- Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for their safety, or the officer determines a need exists;
- Stand by for a reasonable amount of time when a victim/suspect requests police assistance while removing essential items of personal property;
- 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
- Advise the victim of available community resources and the State Victim Assistance Program.

For additional victim assistance, officers may request a FFIT (Fresno Family Intervention Team) Volunteer. Statistics indicate that victims are more likely to assist with prosecution and to seek services the sooner they meet with an advocate. FFIT is a collaborative effort between the FPD (utilizing the Citizens on Patrol), Child Protective Services, and advocates from the Marjaree Mason Center to provide immediate assistance to the victim.

O. **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 and shall orally instruct the victim on its contents (PC §§13700-13701). 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.

P. **Prosecution Follow-Up**
Officers investigating a felony domestic violence case shall advise the victim that it is no longer necessary to contact the DA’s office for charges to be filed. The DA’s office will seek charges in these cases without a victim’s request.

In misdemeanor domestic violence cases where the suspect has NOT been arrested or cited, and the victim wishes to file a criminal complaint, the officer shall advise the victim:

- To contact the Domestic Violence Unit (DVU) at 621-2225 during the hours 8am to 4pm, Monday-Friday; and
- To wait at least 3 days before telephoning to insure the DVU has received a copy of the report.

Q. **Tenancy Issues**
- Officers may request a person who is not in lawful possession of the premises to leave when:
  - The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.)
- The officer will stand by until the suspect removes essential belongings
- If the suspect does not leave upon request, an arrest should be made under Penal Code §602.5
• If the complainant requesting removal of the suspect cannot show proof of lawful possession, the officer should refer the complainant for a Temporary Restraining Order or other appropriate civil remedy.
• If appropriate, a domestic violence situation involving a tenancy issue may be resolved through the proper application for an Emergency Protective Order.

R. Court Protective Orders  
Various types of restraining orders may be issued by various courts in domestic violence cases. The court orders under PC §13701(b) includes:

- Emergency Protective Order (EPO) - PC §273.6  
- Domestic Violence Protective Order - PC §166(c)(1)  
- Criminal Court Protective Order - PC §166(c)(1)  
- Order to Show Cause and Temporary Restraining Order (TRO) - PC §273.6  
- Order After Hearing - PC §273.6  
- Restraining Order – Juvenile  
- Judgment of Dissolution and Order  
- Child Custody Order

S. Emergency Protective Orders (EPO)  
EPO’s can be issued 24 hours per day, seven days per week.

A judicial officer may issue an EPO whenever a law enforcement officer asserts reasonable grounds that one or more of the criteria listed on the EPO Form is met or there is a potential for continued or escalated violence.

Under PC §646.91, a peace officer may also obtain an EPO when the officer has reasonable grounds to believe that a person or the person’s immediate family is in immediate and present danger of being stalked.

- Any such EPO shall be reduced to writing, signed by the officer and include all of the information required by PC §646.91(c).
- Any officer seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance.
- Any officer requesting such an order shall carry copies of the order while on duty and shall use every reasonable means to enforce the order.

EPO’S may be obtained to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from continuing a specified behavior or act as described on the EPO form.

Procedures for Issuance of EPO’s  
A judicial officer shall be contacted, through the Court Dispatch Center at 457-4999, regardless of the time of day. Between the hours of 1800-0600, weekends, and court holidays, calls will be forwarded and processed by Sheriff’s Department Communications Center. The determination of the designated judicial officer to issue or not to issue an EPO will be final.

Note: The temporary inability of FSD dispatch to locate a judicial officer does not relieve officers of their obligations under this section.

In all domestic violence situations, the investigating officer shall ensure that the victim understands the circumstances under which an EPO can be issued, and our policy of seeking an EPO on the victim’s behalf anytime there is reason to believe the victim is in immediate and present danger of domestic violence.

The expiration date for EPO’s shall be no later than the close of the fifth judicial business day or the seventh calendar day following the day of issuance, whichever comes earliest.
The issuing officer shall inform the person to be protected of:
- The expiration date and time of the EPO; and
- The need to apply to the court for a temporary restraining order beyond that date.

The officer who completes an EPO shall turn the EPO in to the Records Section by the completion of their shift.

An EPO shall be served upon the restrained party by the issuing officer when the restrained party can be reasonably located. When the restrained party cannot be located, the issuing officer shall contact the ComCen to have a premise history placed on the affected addresses listing the name of the restrained party and the fact that an unserved EPO is on file in the Records Section. The premise history shall include the EPO’s date of expiration. When a valid EPO is in effect and proof of service has been verified, the officer shall use every reasonable means to enforce the order.

When an EPO is issued for a child, the officer shall give the child's copy of the EPO to the parent, guardian, or social worker who is retaining custody of the child. EPO processes are the same for a child as for an adult.

**Required Reports for EPO with No Crime**

When an EPO is issued under circumstances where no crime has occurred, the issuing officer shall:
- Prepare a GIR entitled "EPO" and the "Domestic Violence" box shall be checked;
- The person to be restrained shall be listed as an "Involved Party"; and
- The person to be protected shall be listed as a “Victim”.

Note: The race, sex and DOB of the person to be protected shall be indicated next to their name listed in item #1 of the EPO.

**Distribution of EPO Forms**

- The white copy shall be turned in to the Records Section by the end of the work shift;
- One copy shall be provided to the protected party, when present;
- One copy shall be provided to the restrained party, when present; and
- The fourth and any undelivered protected party copies shall also be forwarded to Records.

Records shall maintain a seven-day file of all served and unserved EPO's

**Verification of EPO’s**

Prior to enforcement of an EPO, officers shall determine if the order is valid, by contacting the issuing agency or examining a copy of the order to establish:
- The order has not expired;
- Whether proof of service or prior notice exists or can be established; and
- The terms of the restraining order.

**Unserved EPO’s**

When an officer is in possession of an unserved copy of an EPO and encounters the restrained party within the effective period, he/she shall provide the copy to the restrained party and shall complete the "Restraining/Emergency Protective Order Proof of Service Form".

All other officers encountering unserved restrained parties listed in active EPO’s (and other court orders) shall follow the procedures listed above.

**T. Restraining Orders**

**Verification of Restraining Order**

Whenever a complainant advises of the existence of a restraining order, the officer shall immediately attempt to determine the following [Code of Civil Procedure §527.8(i)(3)]
• 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;
• Whether there is valid restraining order on file with the Department of Justice Domestic Violence Restraining Order System [Family Code §6383(d)];
• Whether the proof of service or prior notice exists or that the suspect was in court when the order was made; and
• 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.

Enforcement Procedures
Violation of a restraining order is a misdemeanor under PC §273.6, PC §166(c)(1) or PC §166(4). An arrest shall 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.

Proof of service may be established by any one of the following:
• The existence of the order and proof of service to the suspect has been verified by the officer;
• The complainant produces a valid copy of the order bearing a file stamp of a court and proof of service on the suspect;
• The officer has verified the existence of the order and the order reflects that the suspect was personally present in court when the order was made which removes the proof of service requirements; or
• The existence of the order has been verified and there is proof that an officer has previously informed the suspect of its terms.

All valid out-of-state and tribal court restraining and protective orders should be enforced.

U. Service of Restraining Orders & EPO’s
When an officer verifies that a restraining order/EPO exists but cannot verify proof of service or prior knowledge of the order by the restrained party, the officer shall, when the restrained party is present:
• Inform the restrained party of the terms of the order;
• Admonish the restrained party that he/she is now on notice and that violation of the order will result in arrest; and
• Prepare a “Restraining/Emergency Protective Order Proof of Service Form”.

When the proof of service is being served on an order in possession of the Sheriff’s Department and there is no related FPD case number:
• The words "FSD Only" shall be inserted in the upper right hand corner;
• All blanks on the form shall be filled in with the exception of the "For Court Use Only" Box;
• The box labeled “Case Number” shall be used only for the court case number as listed on the restraining order;
• The space provided for the “Department Case Number” shall list the event number assigned to the call;
• The event synopsis shall include the Court Case Number;
• No report other than the Restraining/Emergency Protective Order Proof of Service Form is required when the only action being taken is service of a court order/EPO; and
• Details of the service must be included in the event narrative.

Proof of Service Not Verified
When the officer verifies that a restraining order exists but cannot verify proof of service or prior knowledge of the order by the suspect, the officer shall perform the following:
• At the request of the complainant and upon presentation of an endorsed copy of the restraining order and a proof of service form, serve a copy of the order on the suspect. Submit the completed proof of service form to the court, regardless of whether or not the suspect is taken into custody [Code of Civil Procedure §527.8(i)(2)];
• Immediately inform the suspect of the terms of the order and place the suspect on notice that violation of the order will result in arrest;
• Obtain the suspect's address; and
• Enforce the order but do not make an arrest for any violation of the order occurring prior to verifying the proof of service or before an officer's admonition of the terms of the order. If the suspect continues to violate the order after being advised of the terms, an arrest should be made [Code of Civil Procedure §527.8(i)(4)].

If the suspect complies with the order the officer shall complete a report detailing the specific terms of the order and advisement, the name of the advising officer, and the date and time of the advisement [PC §13730(c)]. The Department copy of the restraining order shall be updated to reflect the information listed above.

When Orders are Not Verifiable
If the victim is not in possession of the restraining order and/or for any reason the officer cannot verify the validity of the order the following action shall be taken:
• Write a report; give the case number to the victim; and
• Inform the victim of how they can contact the appropriate detective or investigative unit for further action [PC §13730(c)].

V. 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 PC §166(c)(1). Witness intimidation is also a violation of PC §136.1 and potentially a violation of PC §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 Procedure §320T.

W. Officer Involved Restraining Orders
All sworn members of this Department who are the subject of an EPO, TRO, or Stay Away Order regarding family violence shall immediately provide an on duty supervisor with a copy of the order.

The supervisor shall then advise the involved officer's immediate supervisor, complete a Confidential Unusual Report and forward it with a copy of the EPO or TRO, via the chain of command, to the involved officer’s Division Commander.

Notifications should be made as deemed appropriate by the on duty supervisor depending on the severity of the situation.
A contact with any member of the public may be classified as a consensual contact, detention, or an arrest. Upon request, a member shall provide their Department issued business cards during any of the below listed Field Contacts.

A. **Consensual Contacts**
A consensual contact is a contact between an officer and an individual which is strictly voluntary. The key element is that the person remains totally free to leave or not cooperate. The officer's uncommunicated state of mind, and the individual citizen's subjective belief, are irrelevant in determining whether a "detention" has occurred. As long as a reasonable person would feel free to disregard the police and go about his or her business, the encounter is consensual and no reasonable suspicion is required on the part of the officer.

Examples of consensual contacts include members inquiring about identity, requesting identification or running a warrant check on the subject contacted.

**Consent Searches**
A member shall not conduct a search during a consensual contact unless:
The member receives voluntary consent from the person to be searched.
Evidence of a crime or contraband is in plain view in the possession of the subject contacted, allowing for immediate seizure of the item; or
A search is justified by articulable officer safety reasons.

Voluntary consent means:
- The person agreed to the search voluntarily (i.e., not "coerced" by force, threats, tricks, promises, or the exertion of authority); and
- The person has the capacity and the authority, or the apparent authority, to give consent.

Consent may be expressed or implied. It can be withdrawn at any time.

B. **Detentions**
The purpose of a detention is to determine whether or not suspicious behavior is innocent or relates to crime. A detention occurs whenever a member, through some form of physical force or show of authority, compels a person to stay during a field investigation of some potentially criminal act. Before a detention exists in the law, it is necessary that the person actually submits to your assertion of authority.

Prior to detaining a person, the member must have a reasonable suspicion, based on articulable facts, that:
- Criminal activity has occurred, is occurring, or is about to occur;
- The person detained is connected with that possible criminal activity;
- Evidence of a crime or contraband is in plain view in the possession of the subject contacted, allowing for immediate seizure of the item; or
- A search is justified by articulable officer safety reasons.

**Detention Factors**
Members shall consider the following factors in determining whether there exists a reasonable suspicion to detain an individual:
• A person or vehicle matches the general description of a wanted person or vehicle. This is generally sufficient, by itself, to base a detention on.
• Nighttime/High Crime Area alone will not be sufficient to detain an individual but when coupled with other factors, such as furtive behavior or flight, may be sufficient.
• Flight alone will not be sufficient to detain an individual but when coupled with other factors, such a high crime area, may be sufficient.
• A member's training and experience.
• Officer Safety issues; or
• Information you receive from an eyewitness, victim, fellow police officer, dispatcher, or—if accurate—other official channels. This information is generally considered reliable and as such can be the sole basis for a detention as long as the detention is reasonably related to the information obtained.

Members shall include these articulable facts in the appropriate report when a report is required under any provision of the Policy Manual.

Under current law, members do not have to provide Miranda warnings during an interview of someone who is lawfully detained based on:
- Reasonable suspicion;
- A "cite and release" offense;
- Inquiries, concerning identity, made during a detention; or
- Officer Safety issues.

Reasonable Force To Effect A Detention
A detainee has no right to resist a lawful detention. Members may use reasonable force to affect the detention. Refer to Policy & Procedure §300.

Limitations On Detentions
Members shall not detain a person longer than is reasonably necessary to conduct the investigation. A detention must be temporary and last no longer than is necessary to resolve the reason for the stop. A detention legal at its beginning can become an illegal arrest if extended beyond what is reasonably necessary under the circumstances. If the person answers all questions about the suspicious circumstances satisfactorily, so that suspicion decreases or disappears, the person must be released.

Members shall not transport a detainee to another location absent:
- The person(s) voluntarily consents; or
- There are articulable factors that make it unsafe for the member or detainee to stay at that location; or
- There are specific circumstances, such as the medical condition of a victim, which make it impractical to bring that person to the location where the detention occurred.

C. Arrests
An arrest occurs when a member takes a person into custody. This requires either that a member physically restrain or at least touch the person or the person submits to your authority. The arrest must be based on probable cause.

Members shall ensure that a prisoner's property is secured and not damaged while in the member's care. Members should refrain from placing a prisoner's property on their patrol vehicle whenever possible to minimize the risk of inadvertently leaving it there prior to transport.

D. Field Interview Cards
FI Cards shall be completed with all pertinent information and submitted in RPW prior to the end of the member's shift. Actually detaining someone (as opposed to obtaining their voluntary cooperation) for the purpose of obtaining information about them, or photographing them, is illegal unless you have a
specific basis for believing the person is involved in criminal activity. Furthermore, extending a
detention in order to fill out a field interrogation card may or may not be reasonable, depending on all
the circumstances. Generally speaking, if there is something specific which might connect the person to
a crime, filling out a field interrogation card will be proper.

Members shall ensure that the FI Card, where appropriate, is routed to the appropriate unit (e.g. route
to MAGEC where gang activity/involvement is suspected.)

E. Reference
RCTB 07-07
The purpose of this procedure is to establish consistent Department guidelines regarding warrantless searches of persons, property, and vehicles, and to strictly limit strip and body cavity searches per Penal Code §4030.

A. 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)].


B. 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:

- Officers will strive to conduct searches with dignity and courtesy.
- Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- 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.
- 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.
- When the person to be searched is of the opposite sex or gender identity as the searching officer, a reasonable effort should be made to summon an officer of the same sex or gender identity as the subject to conduct the search. When it is not practicable to summon an officer of the same sex or gender identity as the subject, the following guidelines should be followed:
  - Another officer or a supervisor should witness the search;
  - 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
C. **Person Searches**

**Warrantless Searches**
Members shall not conduct a warrantless search of an individual unless:

- The individual to be searched gives consent to search, the search does not exceed the scope of the consent, and the consent is documented on a Consent to Search Form or captured on video;
- The individual to be searched is on active parole or probation with a condition that they are open to search and seizure;
- There is an officer safety reason for a pat down for weapons; and/or
- The individual is under arrest.

**Pat Down for Weapons**
Members may conduct a pat down or limited weapons search of a detainee’s outer clothing if specific facts exist that indicate the person may be armed.

Members may immediately seize any weapon or other object usable as a weapon which is lawfully discovered during a pat down for weapons. The seizure of any evidence or contraband not immediately identifiable as a weapon is prohibited during a pat down search for weapons unless the member has probable cause, based on the member’s training and experience, that the item discovered is contraband.

Containers, which can reasonably be used to hold a weapon can be seized immediately during a pat down search for weapons, and searched to determine if they contain weapons.

D. **Strip Searches/Visual Body Cavity Searches**

Persons conducting a strip search or a visual body cavity search shall not touch the breasts, buttocks, or genitalia of the person being searched [Penal Code §4030(j)].

All persons conducting or otherwise present during a strip search or visual or physical body cavity search shall be of the same sex as the person being searched, except for physicians or licensed medical personnel. [Penal Code §4030(l)].

All strip, visual and physical body cavity searches shall be conducted in an area of privacy so that the search cannot be observed by persons not participating in the search. Persons are considered to be participating in the search if their official duties relative to search procedure require them to be present at the time the search is conducted [Penal Code §4030(m)].

When a strip search is conducted, the reporting member shall thoroughly document the circumstances surrounding the search and the results of the search.
E. **Physical Body Cavity Search**

No person arrested on a misdemeanor or infraction shall be subjected to a physical body cavity search except under the authority of a search warrant issued by a magistrate specifically authorizing the physical body cavity search [Penal Code §4030(h)].

Only a physician, nurse practitioner, registered nurse, licensed vocational nurse, or Level II Emergency Medical Technician (EMT) may conduct a physical body cavity search [Penal Code §4030(k)]. Privacy requirements, including restricted touching of body parts, are the same as the strip search standard.

A copy of the search warrant and the results of any body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative [Penal Code §4030(i)].

F. **Property Searches**

As a general rule, officers may enter a crime scene to conduct an investigation. Members of this Department should not physically enter any area where an individual has a reasonable expectation of privacy in order to conduct a search or seizure without:

- Valid consent;
- Probation/Parole authorization;
- A valid search warrant; and/or
- Exigent circumstances.

**Plain View**

Because an individual does not have an expectation of privacy as to items that are in plain view, no “search” has taken place in a Constitutional sense when an object is viewed from a location where the officer has a right to be.

**Consent**

Entry into a location for the purpose of conducting a search for any item reasonably believed relevant to any investigation is permitted once valid consent has been obtained, however consent is only valid if the following criteria are met:

- Voluntary (i.e., clear, specific, and unequivocal);
- Obtained from a person with authority to give the consent; and
- A Consent to Search Form has been completed or captured on video.

**NOTE:** A person with authority to consent to search should be present or otherwise in a position to communicate a withdrawal of consent should they so desire.

While there is no requirement that an individual be told of their right to refuse consent, such a warning may provide strong support for the validity of any consent. At any point that an individual withdraws consent, any related search should be discontinued unless and until otherwise legally permitted. If this occurs, and the officer has probable cause to believe that there is evidence or suspects remaining in areas of the premises not searched under consent, officers should consider obtaining a valid search warrant to continue this search. Officers may secure the premises until such time as the warrant is authorized, then continue the search.

Officers should describe how a voluntary and authorized consent was obtained in any related report(s).

**Exigent Circumstances**

Exigent circumstances that may permit entry into premises without a warrant or valid consent generally include any of the following:

- Imminent danger of injury or death;
- Serious damage to property;
- Imminent escape of a suspect; and/or
• The destruction of evidence.

G. **Vehicles**
Absent consent or a valid warrant, members shall not search the vehicle of a detainee unless:
• There exists specific facts that indicate the vehicle in the detainee’s immediate possession may have weapons in it. In such cases, vehicle weapons searches are limited to the interior areas where the detainee might have access to a weapon; or
• Members may conduct a warrantless search of any part of a vehicle which is being used on a public thoroughfare, or which is readily capable of such use, as long as they have probable cause to believe the object they are looking for may be located in that portion of the vehicle. The standard of proof is the same as obtaining a warrant but is an exception to the warrant process based on the moveable nature of the vehicle. Members shall document the facts supporting the probable cause to search the vehicle, and the results of the search in the appropriate report when such is required under any provision of the Policy Manual;
  • Authorized by Probation/Parole;
  • Exigent circumstances exist to conduct the search for articulable public safety reasons; and/or
  • A Vehicle Inventory Report is required (e.g., impounds).

H. **Documentation of Searches**
When a report is generated related to an incident involving a search (i.e. vehicle impounds, PC 849(b) releases, arrests, etc.), officers are responsible to document the search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:
• Reason for the search
• Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
• What, if any, injuries or damage occurred
• All steps taken to secure property
• The results of the search, including a description of any property or contraband seized
• If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

I. **Voluntary Transportation**
During the course of an investigation, an officer may need to transport a victim, witness, or involved party to another location. Prior to transporting a person to a destination, officers shall complete a Consent to be Transported Form or capture consent on video.

The form shall contain the following information:
• A case number;
• Signature of the person being transported;
• Signature of a witnessing officer; and
• An advisement that the person may withdraw their consent at any time.

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and Department policy have been met.
Fresno Police Department Procedures Manual
Search Warrants/Pre-Planned Tactical Operations
Corresponding Policy 323: Search Warrants/Pre-Planned Tactical Operations

A. Coordination with SIB
Any drug enforcement effort shall be coordinated with the Special Investigation Bureau (SIB). Members shall contact a SIB supervisor before proceeding with any drug related investigation likely to lead to a search warrant or “knock and talk” where members have reason to believe a significant quantity of drugs may be located.

B. Search Warrant Plan
All units shall check with a Law Enforcement event deconfliction system, such as WSIN, before proceeding with any search warrant or drug enforcement related investigation at a specific location. Refer to Procedure 610.

The case agent and a member of the unit who will serve the warrant shall develop a plan for serving the warrant.

During the planning stage the case agent, a member of the unit serving the warrant and a unit supervisor shall, in person, observe the location to be searched to determine how the search warrant is served, what resources are needed, and to ensure identification of the right location.

There are some situations where it may not be possible to observe the location in person due to its isolation, counter-surveillance, etc. In such cases the case agent and a unit supervisor will evaluate the location by other means. This could include, but is not limited to:

- Review of any surveillance of the location already conducted;
- Information from confidential informants;
- Video of the location;
- Photographs from ground level; and/or
- Photographs from the air.

Any “No-Knock” search warrant shall be reviewed by the Unit Commander and SWAT Commander or designee prior to service.

C. Supervisor Responsibilities
A supervisor shall review and sign the case agent’s plan for the service of every search warrant.

The supervisor shall determine when assistance from the Patrol Division is needed and shall determine the role of the patrol personnel at the search warrant location.

The supervisor or acting supervisor of the unit must be present during the service of the search warrant. When an acting supervisor will be overseeing the warrant service, the Unit Commander or District Commander shall be informed before the warrant is served. A field supervisor or field commander may also be utilized if the unit supervisor is not available.

The supervisor should consider notifying EMS to have an ambulance on stand-by in the area when serving the search warrant.

D. Required Uniform and Equipment
Plainclothes members participating in the service of a search warrant or are part of a pre-planned tactical operation shall wear Department authorized raid vests. The raid vests shall have visible markings/patches that readily identify the wearer of the vest as a police officer.
Members participating in a preplanned tactical operation or in the service of a search warrant shall wear their Department issued bullet resistant vests. There are occasions when a supervisor may elect to have the officers serving the warrant dress in clothing appropriate for the location and type of crime. An example would be detectives, assisted by other officers, serving a search warrant at a school for financial records. The supervisor in charge may decide to have the detectives dress in plainclothes without raid vests but must have at least one officer in a “Class B” uniform present at the location.

Members assisting in serving the warrant shall be armed with their Department issued firearms. Their Department issued firearm(s) shall be the primary weapon when serving any search warrant. A Department issued rifle or shotgun may be used in lieu of the officer’s primary duty weapon. Members may have their Department authorized back-up firearm with them. Consideration should be given, when feasible, to having a marked patrol car at the search warrant location to readily identify the serving of the search warrant as a law enforcement operation.

E. Locations Secured Prior to Obtaining a Warrant

In some instances it may be necessary to secure a location prior to obtaining a warrant. Such situations may not require that all the provisions of this order be followed.

Members at the scene of a crime where they are holding the scene pending a search warrant are not required to complete a Risk Assessment Matrix.

F. Tactical Operations Plan

A member of the unit serving the search warrant shall prepare a tactical operation plan for the service of every search warrant. A preplanned operation intended to apprehend a suspect in a homicide with a firearm will also require preparation of a tactical operation plan, based on time permitting and the exigency of the specific situation. The member will use the Department approved tactical operations plan format located at L:

- Diagram of the specific location where the warrant is to be served;
- Map of the immediate area showing the location where the warrant is to be served, the streets and alleys around the warrant location, proposed location of perimeter units, proposed approach route and parking area of the entry team(s), and any other features that the case agent deems important;
- Intelligence information gathered on the location and suspects. This should include photos of known suspects, photos of the location, RMS on known suspects, weapons histories, and if any children are at the location;
- Listing of personnel and equipment required to serve the warrant. This would include any special weapons that are needed and any assistance needed from Patrol Division members, air support, K-9's, etc.;
- Communication plan listing the primary channel, if the primary channel will be monitored by dispatch, secondary channel, cell phone numbers, etc.;
- Rally point in case of emergencies;
- Location and route to nearest hospital; and
- Any other information the case agent deems relevant.

The case agent will maintain a copy of the original tactical operations plan in the case file. All copies will be destroyed at the completion of the operation.
A separate form should be used to provide member’s cell phone numbers, description of undercover officer or vehicles, confidential informants, or other sensitive information. These forms will not be part of the tactical operations plan and will be destroyed after the conclusion of the operation.

G. **Briefing**
A briefing shall be conducted before serving a search warrant or executing a pre-planned tactical operation to apprehend a violent felony suspect. Attendance at the briefing is mandatory for all members serving the search warrant, participating in the service of the warrant or pre-planned tactical operation. The briefing should include, but not be limited to, the following:

- A description of the search warrant location;
- A description of suspect(s), crime(s) involved, weapons, and contraband;
- Identification of point of entry, secondary entry points, rally point(s) and zones of fire;
- Designation of entry team members, equipment they require and how they will deploy;
- Designation of perimeter team members, equipment they require and how they will deploy;
- Role of assisting units such as Patrol Division, air support, etc.; and
- Review of the information contained in the tactical operations plan.

Members at the briefing shall be given a copy of the search warrant tactical operations plan.

H. **Notifications**
Units preparing to serve a search warrant shall notify the Duty Office and the ComCen supervisor prior to serving the search warrant.

- The notification shall include the location where the search warrant will be served and the expected time of service.
- The supervisor shall notify the ComCen supervisor of any special requirements such as a channel dedicated to the unit while they serve the warrant, whether a dispatcher is needed to monitor the channel, etc.
- When a location is secured prior to obtaining a search warrant, the Duty Office and the ComCen supervisor shall be notified of the operation as soon possible.
- The Unit Commander, District Commander, or their designee, shall consult with the SWAT Commander or his designee to determine if SWAT will assist in serving the warrant.

The case agent shall notify any law enforcement agency of a pending search warrant in their jurisdiction prior to serving the warrant.

I. **Post Service Duties**
A receipt listing seized items shall be left in an in a prominent location. The goldenrod copy of the Property and Evidence Report (PER) may serve as the receipt.

A "Notice of Service" shall be left in a prominent location. After the search warrant location is secure, the case agent may consider having the layout of the location recorded for future reference. This may be done by drawing a diagram, taking photographs, video, etc.

Photographs should be taken at the conclusion of a search warrant to document any damage or lack of damage at the location. The photographs may be taken by the unit serving the warrant or by a Crime Scene Bureau technician.

J. **Risk Assessment Matrix**
The Risk Assessment Matrix is used during the search warrant planning stage to determine when consultation with SWAT is required. The Risk Assessment Matrix is a YES/NO criteria based questionnaire and includes information such as the type of crime and criminal histories of suspects involved, that are related to the service of warrants. The case agent, member completing the tactical operations plan or a unit supervisor shall complete the Risk Assessment Matrix and will record any affirmative responses (YES) that apply to their warrant. All boxes shall be marked. The member completing the Risk Assessment Matrix will include all available information including, but not limited to
criminal histories/rap sheets, RMS, Automated Firearm System (AFS), prior police reports, social media, and confidential/citizen informants. Risk Matrix numerical values are for FPD operations only. The values are for consistency of preplanned operation service and notification guidelines to include SWAT consultation.

- If any boxes in items 1-5 are marked YES, SWAT should be contacted.
- If two or more boxes in items 6-11 are marked YES, SWAT should be contacted.
- The unit supervisor shall notify the Bureau or District Commander before the service of any warrant or consultation with the SWAT commander or their designee.
- The unit member, or unit supervisor, completing the Risk Assessment Matrix shall consult with the SWAT Commander, or their designee, if the above criterion is reached to determine if SWAT will assist in serving the warrant.
- SWAT notification shall be reflected in the tactical operations plan and any police report associated with the service of the search warrant. If SWAT was not used, this shall be reflected under “SWAT Contacted” and “SWAT Utilized” on the Risk Assessment and the police report as well. The name of the SWAT commander or designee consulted shall be included in the tactical operations plan and police report.

The Risk Assessment Matrix cannot cover all the possibilities relating to the serving of warrants. Although the score on the Risk Assessment Matrix may not require consultation with the SWAT Commander or his designee, there may be cases where such consultation might be appropriate.

A copy of the Risk Assessment Matrix shall be included in the plan for serving all search warrants. A copy of the Risk Assessment Matrix is attached at the end of this order.
### Items 1-5 (Check mark "Yes" to 1 of the criteria listed below, SWAT should be contacted)

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the location fortified? (i.e sally ports, internal fortifications, multiple gates, steel doors, etc.)</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>2. Firearms believed to be on premises and the suspect(s) have made threats to use them?</td>
<td>☐</td>
<td>☐</td>
<td>Click here to enter text.</td>
</tr>
<tr>
<td>3. Automatic weapons, explosives or military ordinance on the premises?</td>
<td>☐</td>
<td>☐</td>
<td>Click here to enter text.</td>
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<tr>
<td>4. Suspect(s) have history of felonious assault on Peace Officer involving weapons?</td>
<td>☐</td>
<td>☐</td>
<td>Click here to enter text.</td>
</tr>
<tr>
<td>5. Based upon specific articulable facts, is there a likelihood of violent/armed confrontation?</td>
<td>☐</td>
<td>☐</td>
<td>Click here to enter text.</td>
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</tbody>
</table>

### Items 6-11 (Check mark “Yes” to 2 or more criteria listed below, SWAT, should be contacted.)

<table>
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<th></th>
<th>Yes</th>
<th>No</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Sophisticated counter surveillance? (CCTV, intrusion devices, etc.)</td>
<td>☐</td>
<td>☐</td>
<td>Click here to enter text.</td>
</tr>
<tr>
<td>7. Are the suspect(s) 3 strikes candidates involving violence?</td>
<td>☐</td>
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<tr>
<td>8. Do the suspect(s) have propensity for violence?</td>
<td>☐</td>
<td>☐</td>
<td>Click here to enter text.</td>
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<tr>
<td>9. Security screens on doors and/or windows?</td>
<td>☐</td>
<td>☐</td>
<td>Click here to enter text.</td>
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<tr>
<td>10. Have specific threats of violence been made against Peace Officers?</td>
<td>☐</td>
<td>☐</td>
<td>Click here to enter text.</td>
</tr>
<tr>
<td>11. Suspect is a member of a gang, criminal organization or militant group.</td>
<td>☐</td>
<td>☐</td>
<td>Click here to enter text.</td>
</tr>
</tbody>
</table>

When preparing an operational plan, this checklist shall be incorporated into the plan and used to evaluate the need for assistance from SWAT. Any number of circumstances may dictate that SWAT be used. Officers and supervisors are encouraged to contact SWAT Team supervisors whenever questions arise concerning the evaluation of the above listed criteria.

SWAT Contacted: Yes ☐ No ☐ Name: Click here to enter text.
Date/Time: Click here to enter text.
SWAT Utilized: Yes ☐ No ☐
If not, explain briefly: Click here to enter text.

Prepared by: Click here to enter text. Date: Click here to enter text.
Reviewed by: Click here to enter text. Date: Click here to enter text.
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.

A. 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 (i.e., 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 custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (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 juveniles in temporary custody.

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

Examples of secure custody include:
(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area; i.e. prisoner processing center within CSI.
(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).

When any question exists as to whether a suspect is a juvenile or adult, members shall attempt to resolve the issue before any enforcement action (i.e., arrest or citation) is taken. When members are unable to positively confirm the age of a suspect, and the suspect’s appearance does not suggest age under 18, the suspect shall be handled as an adult.

B. Custody of Juveniles

Officers should take custody of a juvenile and temporarily hold the juvenile at a Fresno Police Department facility when there is no other lawful and practicable alternative to temporary custody. Refer to Policy §330-Child Abuse Reporting for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at a Fresno Police Department facility without authorization of a supervisor. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile’s parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Fresno Police Department (42 USC §5633; WIC §207.1(d)).

- **Juvenile Non-Offenders**
  Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at a Fresno Police Department facility. Juveniles detained pursuant to W&I §300 are not required to be documented on detention logs or subject to the six hours detention restriction. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure detention. (34 USC § 11133; W&I §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.

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

- **Juvenile Offenders**

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

  A juvenile offender who is 14 years of age or older and suspected of using a firearm in violation of Welfare and Institutions Code §625.3 shall be transported to a juvenile facility.
A juvenile offender suspected of committing murder or a sex offense that may subject a juvenile to criminal jurisdiction under W&I § 602(b), or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

a) Released upon warning or citation;

b) Released to a parent or other responsible adult after processing at the Department;

c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility; or

d) Transported to his/her home or to the place where the juvenile offender was taken into custody (W&I § 207.2).

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

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

When an officer is presented with a citizen arrest of a juvenile, the officer may arrest and bypass the citizen arrest procedure per WIC §625.

C. **Advisement**

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

Whenever a juvenile is taken into temporary custody, he/she shall be given the Miranda Rights advisement regardless of whether questioning is intended (WIC §625).

Anytime a juvenile offender is placed in secure detention, he/she shall be informed of the purpose of the secure detention, the length of time the secure detention is expected to last and of the maximum six-hour limitation (WIC §207.1(d)).

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

D. **Intoxicated and Substance Abusing Juveniles**

A medical clearance shall be obtained prior to detention of a juvenile at the Department when the juvenile displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency (Title 15, CCR §1151).

In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

- Known history of ingestion or sequestration of a balloon containing drugs in a body cavity;
- Juvenile is known or suspected to have ingested any substance that could result in a medical emergency;
- A juvenile who is intoxicated to the level of being unable to care for him or herself; and
- An intoxicated juvenile whose symptoms of intoxication are not showing signs of improvement.

Juveniles with lower levels of alcohol in their system may not need to be evaluated. An example is a juvenile who has ingested one or two beers would not normally meet this criterion.

A juvenile detained and brought to the Fresno Police Department who displays symptoms of intoxication as a result of alcohol or drugs shall be handled as follows:

- Observation of juvenile’s breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.
- Observation of the juvenile to ensure that there has not been any vomiting while sleeping and ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.
- An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.
- Personal observation shall be conducted on a frequent basis while the juvenile is in the custody of the Fresno Police Department, and no less than once every 15 minutes until such time as the symptoms are no longer present. For juveniles held in secure detention inside a locked enclosure, officers will ensure constant audio monitoring is maintained in addition to conducting the in-person visual checks. All other forms of detention require the officer to maintain constant visual supervision of the juvenile.
  - The 15-minute checks of the juvenile shall be documented on the Juvenile Detention Log of the facility in which the juvenile is being detained.
  - Any juvenile who displays symptoms suggestive of a comatose state (increasing difficulty or inability to rouse, irregular breathing patterns, or convulsions), shall be considered an emergency. EMS shall be called and the juvenile taken to a medical treatment facility.
  - Juveniles undergoing acute withdrawal reactions shall immediately be transported by EMS to a medical facility for examination by a physician.
  - A medical clearance is required before the juvenile is transported to the Juvenile Justice Campus (JJC) if it is known that the juvenile ingested any intoxicating substances or appears to be under the severe influence of alcohol.

Once the juvenile no longer displays symptoms of intoxication, the juvenile will still be monitored on a 30-minute basis as outlined in this policy. The juvenile will continue to be monitored as required for secure or non-secure detentions.

E. Juvenile Detention Logs

Any time a juvenile is held in custody at Headquarters, any District Stations or other Department facility, the custody shall be promptly and properly documented in the juvenile detention log, including:

- Identifying information about the juvenile;
- Date and time of arrival and release from the Fresno Police Department (15 CCR §1150);
- Supervisor notification and approval to temporarily hold the juvenile;
- Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender;
- Any changes in status;
- Time of all safety checks;
- Any medical and other screening requested and completed (15 CCR 1142);
- Circumstances that justify any secure custody (WIC §207.1(d); 15 CCR §1145); and
- WIC §207.1 Advisement Information for any secure detention.

F. No-Contact Requirements

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department. There should also be sight and sound separation between non-offenders and juvenile and status offenders. There shall be no contact between juveniles held in temporary custody and adult prisoners who are detained except as provided below 34 USC § 11133; WIC §207.1(d); WIC §208; 15 CCR §1144).
Contact between juveniles in temporary custody, both secure and non-secure, and adult prisoners shall be restricted as follows:
  - There will be no communication between the juvenile and adult prisoners allowed.

G. **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.

- Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low profile police presence when contacting a student.

- When circumstances warrant the temporary detention or formal interview of a juvenile student on campus, the officer should:
  1. When practical and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian, or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents and/or reasons contact was not attempted should be documented.
  2. Upon the request of the juvenile, a school official may be present during the interview in lieu of a parent.

Any juvenile student who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member's presence is to provide comfort and support and such staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (PC §11174.3).

H. **Temporary Custody**

No juvenile may be held in temporary custody at a Fresno Police Department facility without authorization of a supervisor. An individual taken into custody for WIC §§300 or 601 shall be processed as soon as practical. Juveniles detained pursuant to W&I §300 are not required to be documented on detention logs or subject to the six hours detention restriction.

Juveniles detained may not be held at a Fresno Police Department facility for more than six hours from the time of arrival at the facility. If the six-hour time limit has expired, the juvenile should be transported to JJC or released.

When a juvenile is taken into custody for any offense pursuant to WIC §602 and the juvenile is to be detained in a facility of the Fresno Police Department, the following steps shall be taken by the arresting officer or the detective assigned to the case:

- Once the detained juvenile has been placed in secure or non-secure detention, complete the Juvenile Detention Log located in the facility in which the juvenile is to be detained;

- Take immediate steps to notify the juvenile’s parent, guardian, or a responsible relative that such juvenile is in custody and provide the location where the juvenile is being held and the intended disposition (WIC §627); and

- Submit a completed report for approval.

Status offenders and abused or neglected children (juveniles falling within provisions of WIC §300 and §601) may not be detained in police jails or lockups. They may be taken to welfare workers but may not be held in a secured environment or come into contact with adults in custody in the station.

**Temporary Custody Requirements**

Juveniles held in temporary custody shall have the following made available to them (15 CCR §1143):

- Access to toilets and washing facilities;

- One snack upon request during term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. The snack shall be provided by the arresting officer or as directed by a supervisor;
• Access to drinking water;
• Privacy during visits with family, guardian, or lawyer;
• Immediately after being taken to a place of temporary confinement, and except where physically impossible, no later than one hour after being taken into custody, advise and provide the juvenile an opportunity to make at least three telephone calls within one hour of being taken into temporary custody.

The telephone calls must be made to a parent, guardian, responsible relative, employer, or an attorney. (WIC §627 and PC §851.5); and

• Blankets and clothing necessary to ensure the comfort of the juvenile (clothing shall be provided by the Department if the juvenile’s clothing is taken as evidence or is otherwise unsuitable or inadequate for the continued wear while in custody).

Juvenile’s Personal Property
The officer placing a juvenile into a detention room must make a thorough search of the juvenile’s property. The property shall be inventoried in the juvenile’s presence and sealed into the property bag. The property will be maintained by the responsible member until the juvenile is released from the custody of the Department.

Use of Alternative Restraint Devices
Juveniles in temporary custody shall not be subjected to alternative restraints. Handcuffs are not alternative restraints.

WIC §5150: Restraints shall only be used so long as it reasonably appears necessary for the juvenile’s protection or the protection of others.

Restraints shall not be used as a punishment, or as a substitute for treatment.

I. Types of Detention
Non-Secure Detention
Non-secure detention means juveniles shall be placed in an unlocked room or open area. Juveniles may be handcuffed, but not to a stationary or secure object.

Juveniles shall receive constant personal visual supervision by law enforcement personnel. Monitoring a juvenile using audio, video or other electronic device does not replace constant personal visual supervision.
Secure Detention Requirements
While in secure detention, juveniles may be locked in a room or other secure enclosure, or otherwise reasonably restrained as necessary to prevent escape and protect the juvenile or others from harm.

- Juveniles held in secure detention outside of a locked enclosure shall not be secured to a stationary object for more than 60 minutes unless no other locked enclosure is available. If a juvenile is secured, the following conditions must be met:
  - A Department member must be present at all times to ensure the juvenile’s safety while secured to a stationary object;
  - Juveniles who are secured to a stationary object are moved to a detention room as soon as one becomes available; and
  - Juveniles secured to a stationary object for longer than 60 minutes, and every 30 minutes thereafter, shall be approved by the Sergeant or the designated supervisor and the reason for continued secure detention shall be documented.
- In the event a juvenile is held inside a locked enclosure, the juvenile shall receive adequate supervision which, at a minimum, includes:
  - Constant auditory access to an officer by the juvenile; and
  - Unscheduled personal visual supervision of the juvenile by an officer, no less than every 15 minutes. These checks shall be documented.
- Males and females shall not be placed in the same locked room unless accompanied by an officer.

Monitoring of Juveniles
During the entire detention an in-person visual inspection shall be done to ensure the welfare of the juvenile and shall be conducted at least once every 30 minutes, until the juvenile is released. This inspection shall not be replaced by video monitoring.

This inspection shall be conducted by the arresting officer, detective, or sworn designee, and the visual inspection shall be logged on the Inspection Log in the SVB office.

More frequent visual inspections should be made as circumstances dictate as in the case of an injured or ill juvenile being detained, or if specific circumstances exist such as a disciplinary problem or suicide risk.
In the event of a serious illness, suicide attempt, injury or death of a juvenile, the following persons shall be notified as soon as possible:
- The Juvenile Court; and
- The parent, guardian, or person standing in loco parentis, of the juvenile.

J. **Custodial Interrogation**

The member conducting the interrogation should explain to the juvenile and parent/guardian what he/she may expect during the processing and interrogation, including:
- The procedures of the juvenile justice system (e.g. juveniles release pending hearing, mail notification of hearing date/time/location, etc.); and
- The procedures of the Fresno Police Department. (e.g. juvenile processing at HQ, booking vs. cite & release, etc.)

No more than two members should participate in the interrogation of a juvenile.

Prior to a custodial interrogation, and before the waiver of any Miranda rights, a juvenile 15 years of age or younger shall consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived.

**Exception:** Questioning reasonably deemed necessary to protect life or property from imminent threat.

During detention/custody, juveniles may be held only long enough for members to investigate the crime, facilitate release of the juvenile to a parent, guardian, responsible relative or adult designated by the parent, or arrange for them to be transported to JJC.

**Mandatory Recordings**

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

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

K. Processing
Juveniles under the age of 10 or those in custody for WIC §601 shall not be processed under any circumstances.

The processing of juveniles booked at JJC will be handled by JJC personnel. CSIB will only process a juvenile if:
- The arresting officer is unable to verify the juvenile’s identity; or
- The juvenile is going to be cited and released and the arresting officer wishes to create a record with our Department.

Any juvenile taken to CSIS for processing shall be taken through the public entrance and held in the lobby area until processed. The juvenile shall not be left unattended at any time. All adult prisoners shall be secured in the holding cells and the door closed between the cells and the prisoner processing area. There shall not be any sight or sound contact between the prisoners and the juvenile.

L. Dispositions – Reprimand & Release / Citations, Bookings
After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:
- The arresting officer may counsel or admonish the juvenile and recommend no further action be taken (reprimand and release);
- The arresting officer may cite and release; or
- The juvenile may be transferred to JJC when the violation falls within the provisions of WIC §602.

Reprimand & Release
Any juvenile not transferred to JJC shall be released to one of the following:
- Parent or legal guardian;
- An adult member of his/her immediate family;
- An adult person specified by the parent/guardian;
- An adult person willing to accept responsibility, when the juvenile’s parents are unavailable as approved by the member’s supervisor; or
- Child Protective Services.
A Juvenile Arrest Report (JAR) shall be completed with applicable charges listed and the involvement code for the juvenile listed as Reprimanded & Released. The narrative of the JAR shall refer to the narrative of the report in RPW.

**Cite & Release**

When a juvenile is to be cited for any traffic offense (infraction or misdemeanor) or any infraction non-traffic offense, members shall utilize the standard Traffic/Misdemeanor Citation Form.

When a juvenile is to be cited for any misdemeanor non-traffic offense, the Juvenile Arrest Report (JAR) will serve as the citation.

In deciding whether or not to cite a juvenile (as opposed to arresting and booking), investigating officers shall consider the following criteria.

Misdemeanants shall be cited unless the juvenile:
- Has violated a court order;
- Presents an immediate, serious threat to self or others;
- Has no parent/guardian reasonably available to take custody and assume responsibility for the juvenile's appearance;
- Has committed one of the violations listed in **VC §40302**; or
- Has a warrant for his/her arrest.

Prior to issuing a citation to a juvenile, the arresting officer shall confirm the juvenile’s identity and determine whether or not the juvenile has any outstanding wants and/or warrants. Additionally, JJC shall be requested to conduct a warrant hand search of arrested juveniles.

Juveniles who live outside of Fresno County may be cited if they meet the established citation criteria.

**Booking**

The juvenile shall be arrested and booked when the officer has reason to believe that the juvenile has committed a felony.

When booking juveniles age 12 and under, members shall:
1. Take reasonable measures to verify the age of the juvenile;

When a juvenile is to be transported to JJC, the following shall accompany the juvenile:
- An ePCD shall be completed in Fresno County ePCD system for any open misdemeanor or felony charges.
- A Juvenile Detention Disposition Report (JUS 8716). The top section of the Juvenile Detention Disposition Report (Part A for Law Enforcement) shall be completed by the arresting officer. With the exception of the Arresting Agency copy (blue in color), the completed DOJ form shall be left at JJC. The blue copy shall be submitted to Records.
- Any personal property taken from the juvenile at the time of detention

A JAR shall be completed in RPW for each juvenile. The narrative of the JAR shall refer to the narrative of the report in RPW.

**Supervisor’s Responsibilities**

Prior to juveniles age 12 and under being booked into JJC, supervisors shall:
- Meet with the arresting officer to determine if booking is appropriate;
- Notify the Supervisor of the circumstances surrounding the arrest and confirm the decision to book;
• Notify the district or bureau commander of the circumstances surrounding the booking; and
• Ensure the complete and accurate documentation of the incident.

Note: When unusual circumstances exist, the Supervisor shall contact the Department legal advisor to verify the propriety of the booking.

Discipline of Juveniles
Police personnel are prohibited from administering discipline to any juvenile.

Exception: Juvenile Offender Work Program

M. 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 Investigations Division Commander or his/her designee will conduct an administrative review of the incident.

In any case in which a juvenile dies while detained at FPD facilities, the following shall apply:
• The Chief of Police or his or her designee shall provide to the California Department of Corrections and Rehabilitation a copy of the report submitted to the Attorney General under GC §12525. A copy of the report shall be submitted to the Department of Corrections and Rehabilitation within ten calendar days after the death.
• Upon receipt of a report of death of a juvenile from the Chief of Police or his or her designee, the Department of Corrections and Rehabilitation may within 30 calendar days inspect and evaluate the juvenile facility, jail, lockup or court holding facility pursuant to the provisions of Article 4, Title 15 CCR §1341. Any inquiry made by the Department of Corrections and Rehabilitation shall be limited to the standards and requirements set forth in these regulations.
• A medical and operational review of the in-custody death of a juvenile shall be conducted. The review team shall include the following:
  o Chief of Police or his/her designee
  o The health administrator
  o The responsible physician and other health care and supervision staff who are relevant to the incident

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

The release of information, including police reports, shall be handled by the Records Section pursuant to the guidelines outlined in WIC §827 and consistent with other policies and procedures.

WIC §828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Manager and the appropriate Investigations Division Supervisors to ensure that personnel of those divisions act within legal guidelines.

O. Board of State and Community Corrections Certification
The Investigations Division Commander shall coordinate the procedures related to the custody of juveniles held at the Fresno Police Department and ensure any required certification is maintained (WIC §210.2).
A. **Forced Entry**
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.

**Forced Entry to Arrest without a Warrant**
Officers shall not attempt a forced entry into a private building to arrest a violator without a warrant unless:

- Exigent circumstances exist as an exception to statutes or case law (i.e., Ramey);
- Failure to enter and make an arrest would cause undue hazard to the officer; or
- The status quo cannot be maintained and the scene cannot be secured and held until a warrant is obtained.

**Forced Entry to Provide Emergency Assistance**
When information is received regarding sick, injured, or deceased persons inside a residence, the decision to proceed with forced entry should be made only after other alternatives have been exhausted. Entry should be immediate when it appears reasonably necessary to protect life. Extreme caution should be exercised to minimize the potential for a violent reaction by an unaware inhabitant.

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When a plan is made to force entry, it is imperative the plan is clearly communicated to involved officers, and that each officer brief back his/her specific role during the forced entry (i.e. less lethal operator, lethal cover, arrest team, etc.).

C. **Related Policy/Procedure**
Related topics are covered under the following sections of the Policy & Procedures Manual:
- Use of Force – Policy/Procedure 300
- Force Options – Policy/Procedure 308
- Search and Seizure – Policy/Procedure 322
- Search Warrants/Pre-Planned Tactical Operations – Policy/Procedure 323
The Fresno Police Department shall investigate all reported incidents of alleged elder and dependent adult abuse and ensure proper reporting and notification as required by law.

A. DEFINITIONS
For purposes of this procedure, the following definitions are provided (WIC §15610 and PC §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.

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 (WIC §15610.30).

Abuse of an Elder or a Dependent Adult means physical abuse including but not limited to any assault or sex crime, (WIC §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.

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:
- Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter;
- 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.

B. MANDATORY REPORTING REQUIREMENTS
Members of the Fresno Police Department shall notify the local office of the California Department of Social Services (CDSS) Adult Protective Services (APS) agency when they reasonably suspect, have observed or have knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that he/she has experienced abuse [WIC §15630(b)]. Notification shall be made by telephone as soon as practicable and a written report shall be provided within two working days as provided in [WIC §15630(b)(c)].

Notification Procedure
Notification should include the following information, if known [WIC §15630(e)]:
(a) The name of the person making the report.
(b) The name and age of the elder or dependent adult.
(c) The present location of the elder or dependent adult.
(d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
(e) The nature and extent of the condition of the elder or dependent adult.
(f) The date of incident; and
(g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

C. ELDER / DEPENDENT ADULT ABUSE REPORTING

Every allegation of elder or dependent adult abuse shall be documented. When documenting elder/dependent adult abuse cases the following information should be included in the report:

- Current location of the victim;
- Victim’s condition/nature and extent of injuries, neglect or loss; and
- Names of agencies and personnel requested and on scene.
- The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected elder / dependent adult abuse victim is contacted.
- Any relevant statements the victim may have made and to whom he/she made the statements.
- If a person is taken into protective custody, the reasons, the name and title of the person making the decision and why other alternatives were not appropriate.
- Whether the victim was transported for medical treatment or a medical examination.
- Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- Previous addresses of the victim and suspect.
- Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.
- Results of investigations shall be provided to those agencies (APS, long-term ombudsman) that referred or reported the adult abuse [WIC §15640(f)].
- Whether a death involved the End of Life Option Act:
  - Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code §443.14)
  - Whether an individual knowingly altered or forged a request for an aid-in-dying drug or concealed or destroyed a withdrawal or recession of a request for an aid-in-dying drug (Health and Safety Code §443.17)
  - Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug (Health and Safety Code §443.17)

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

Reporting of cases of elder/dependent adult abuse is confidential and will only be released as per Policy Manual §810.

D. ELDER / DEPENDENT ADULT ABUSE CONSIDERATIONS

Officers responding to incidents of actual or suspected elder/dependent adult abuse shall consider the following sections when handling these calls:

- Officers may be called upon to affect a forced entry as the first responder to the scene of a suspected elder / dependent adult abuse. (Procedure §§360 & 325);
- Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently it is wrongfully assumed that elderly / dependent adult persons are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly / dependent adult person;
- Any evidence, such as injuries that may change in appearance, should be photographed immediately;
- Officers should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that may be eliminated by our intervention; and
- Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the elderly / dependent adult victim without
necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim’s desires. The present and future safety of the victim is of utmost importance.

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

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

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the supervisor so an interagency response can begin.

F. **INTERVIEWS**
**Preliminary Interviews**
Absent extenuating circumstances or impracticality, officers should record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim.

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

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

(b) A court order or warrant has been issued.

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

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

H. **SUPPORT PERSONNEL**
The following person(s) should be considered if it appears an in-depth investigation is appropriate:

- Supervisor;
- Detectives;
- Personnel for evidence collection;
- Adult Protective Services Agency personnel (APS); and
- Ombudsman shall be called if the abuse is in a long-term care facility.
I. **EMERGENCY PROTECTIVE ORDERS**

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

J. **RECORDS BUREAU RESPONSIBILITY**

The Records Bureau is responsible for the following:

(a) Providing a copy of the elder/dependent adult abuse report to APS, ombudsman or other agency as applicable within two working days or as required by law [WIC §§15630 & 15640(c)]. This requirement is applicable even if the initial call was received from APS; and

(b) Retaining the original elder/dependent adult abuse report with the initial case file.
A. Definitions

Discrimination - Any act or omission of an act which creates 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 §328.2.1.

Sexual Harassment - 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:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment;
- Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; and/or
- Conduct that has the purpose or effect of interfering with an employee’s work performance, 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.

Discrimination/harassment does not include the following:

- 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
- 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.

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.

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.

B. Roles and Responsibilities
This policy and procedure 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.

Member’s Responsibilities
All members shall promptly report any observed or known violations of this policy to a supervisor. Members may seek supervisory assistance or mediation as described below (Step 2) to resolve the situation. Members not comfortable with reporting violations of this policy to their immediate supervisor may bypass the chain of command and report it to the next higher level of supervision. Members may also go directly to the Internal Affairs Bureau with a complaint without having to follow the established guidelines.

Members have the additional option of requesting an investigation of alleged discrimination, harassment, or retaliation (Collectively referred to as “Discrimination”) either from the City’s Affirmative Action Officer, or the appropriate state or federal agency. However, members are encouraged to exhaust Department provided remedies in order to give the Department the opportunity to rectify a situation, when a problem does in fact exist, before seeking redress from other sources. The provisions in this order apply when the member chooses to file a complaint with the Department.
Questions of Clarifications
Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, or the California Department of Fair Employment and Housing (DFEH) for further information, direction, or clarification (G&C § 12950).

Supervisor’s Responsibilities
Each supervisor, commander, and manager shall take reasonable steps to:

- Ensure that the work environment is free from all types of unlawful discrimination;
- Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination;
- Notify the district commander or the unit commander, in writing, of the circumstances surrounding any reported allegations of discrimination no later than the next business day;
- Take immediate and appropriate corrective action when they observe or learn of an incident of discrimination;
- Adhere to a standard of conduct that is respectful, courteous, and nondiscriminatory. Any supervisor, commander, and manager who knew about a discrimination or harassment allegation and condoned or ratified it by failing to take action, can be held personally liable for damages and be subject to disciplinary action; and
- Assess or address the potential for any continuing hostile work environment when an internal discrimination allegation is made.

Supervisor’s Role
Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory or harassing. Supervisors and managers shall be aware of the following considerations:

- Behavior of supervisors and managers should represent the values of our Department and professional law enforcement standards;
- False or mistaken accusations of discrimination have negative effects on the careers of innocent employees;
- Supervisors and managers must act responsibly in the handling of such situations; and
- Supervisors and managers must make a determination on any allegations based upon all available facts.

C. Handling Internal Allegations of Discrimination, Harassment or Retaliation

Step 1 - Member to Member Resolution (Optional)
In an attempt to encourage communication and resolve the matter, supervisors should suggest that members who believe they are experiencing discrimination, harassment or retaliation inform the individual that his/her behavior is unwelcome, offensive, or inappropriate. If this does not resolve the concern or if an employee feels uncomfortable, or has difficulty expressing his/her concern, supervisory or management assistance or mediation should be considered as outlined below (Step 2).

When the complaining party does not wish an attempt at supervisory assistance or mediation, the supervisor should proceed to Step 3

Step 2 - Supervisory Assistance or Mediation (Optional)
Supervisors, commanders, and managers who receive or become aware of complaints should attempt to reach an agreed upon resolution between the involved parties. The assistance or mediation should be provided by a supervisor or manager one rank higher than the alleged offender.

When these efforts are successful, or if it appears the complaint is the result of a misunderstanding, the supervisor shall prepare a memorandum documenting the nature of the complaint and the outcome of his/her efforts.

- All parties shall review and sign the memorandum with an acknowledgment they reviewed the memorandum, and the memorandum is an accurate reflection of the incident and resolution.
This memorandum shall be forwarded via Blue Team through the chain of command to the Chief of Police or designee. An Inquiry/Complaint Form (ICF) shall also be completed and the disposition should be listed as a resolved inquiry.

This memorandum shall be filed in the Internal Affairs Bureau after review and concurrence by the Chief of Police or designee.

If no resolution is reached between the involved parties, the complainant may request to speak with the Chief of Police.

When the discrimination, harassment or retaliation is occurring between a supervisor and subordinate member, mediation will not be an option for a resolution between the involved parties. The complaint will proceed to Step 3 for investigation and disposition.

**Step 3 - Formal Discrimination or Harassment Complaint (Mandatory)**

When the complaining party chooses not to utilize Step 1 or 2 above, and/or a resolution is not reached, the supervisor shall:

- Prepare a memorandum documenting the facts surrounding the complaint;
- Have the complainant review and sign the memorandum with an acknowledgment they;
  - Have reviewed the memorandum; and
  - The memorandum is an accurate reflection of his/her complaint.
- Forward the memorandum via Blue Team through the chain of command to the Chief of Police or designee. The Blue Team entry shall be handled as a Receipt of Complaint.

While a report of discrimination is being investigated, the division commander shall make reasonable efforts to temporarily separate the complainant and the accused.

**Investigation of Unresolved Complaints**

The Internal Affairs Bureau will normally investigate complaints of discrimination. The Chief of Police or designee may assign the investigation outside of the Internal Affairs Bureau.

The individual assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. The investigative authority includes accessibility to records and cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses.

Upon completion, the report of investigation shall be transmitted to the Director of the Personnel Bureau, who shall transmit the report and his/her recommendations to the Chief or Police or designee. If after the review, it appears any procedural or policy violations exist, the matter shall be referred to Internal Affairs Bureau for assignment to determine any such violations.

When the Chief of Police is the subject of the complaint, the investigation will be conducted by the Director of the City Personnel Service Department.

In all cases, every effort will be made to resolve a complaint as rapidly as possible while recognizing the privacy right’s and interest’s of all persons involved.

Any retaliation against a member for making a discrimination complaint, reporting discrimination that he/she witnessed, or assisting in a discrimination investigation is strictly prohibited.
Should it be determined that the reporting party maliciously filed the complaint knowing that it was false or frivolous at the time of the complaint, that member shall be subject to the disciplinary process up to and including termination.

D. **Notification of Disposition**
Complainant and/or victim will be notified in writing of the disposition.

E. **Documentation of Complaints**
All complaints or allegations shall be documented and tracked on forms and in a manner designated by the Chief of Police. All reports shall be approved by the Chief of Police and maintained for a minimum of five years.

F. **Authority for Resolving Complaints**
The Chief of Police or designee reserves the right to determine the appropriate corrective/disciplinary action necessary in any case, up to and including termination in accordance with City and Department policies.

G. **Right to Appeal**
Members shall have the right to appeal any resolution of a discrimination or harassment complaint to the Chief of Police or designee.

H. **Training**
All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term with the Department.

All members shall receive triennial training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

**State Required Training**
Employees will receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

- Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- All employees shall receive refresher training every two years thereafter.
Members will investigate any allegation of a criminal assault to the fullest extent with appropriate, timely and accurate evidence collection if possible.

A. Requesting Photographs
The investigating member should request a Crime Scene Bureau (CSB) technician to photograph a victim's injury when the injuries are of a serious nature or the circumstances indicate that the assault is an ongoing domestic violence problem.

- When the CSB is unable to respond, officers may transport the victim to HQ for photographs of injuries (Officers should confirm that a CSB tech of the same sex as the victim is available when the photograph involves an intimate body area).
- Photographs of a victim's injuries should be taken at the time of the initial investigation when possible.
- When circumstances do not allow for photographs during the initial investigation, the victim may be directed to respond to the Crime Scene Bureau between the hours of 8:00 AM and 4:00 PM on normal business days.
- The original report of the assault shall contain an explanation as to why needed photographs were not taken.

Members referring victims to the CSB for photographs shall provide victims with the following information in writing and advise them to take the information with them when they respond to HQ:

- Case Number;
- Type of Crime;
- Location of occurrence;
- Date of occurrence; and
- Name of reporting member.

When the victim's injuries are not serious (e.g., small bruises, redness and/or swelling, etc.) a detailed description of injuries and/or complaints of pain in the report are sufficient absent special circumstances.

B. Photographs Of Intimate Body Areas
CSB members shall only photograph those injuries that are readily visible without the victim having to disrobe in the CSB.

When it is necessary to take photographs of injury to an intimate body area the victim shall not be referred to the CSB. Instead, the primary investigating member shall:

- Make arrangements to have photographs taken at the Community Regional Medical Center (CRMC) Assault Investigation Room, a private office, or the victim's home;
- Utilize a female CSB tech to take photographs of female victims or a male CSB tech to take photographs of male victims; and
- Make arrangements for a female member to stand by while a female victim is being photographed.

C. Weapon Attacks Against Buildings and Vehicles
Violations of Penal Code §§ 246 and 247 shall be investigated as assaults with the appropriate care taken by the primary investigating member to collect and preserve necessary evidence. The Crime Scene Bureau shall be requested to take photographs and collect evidence at Penal Code §§ 246 and 247 scenes.
D. **Aid to Victims of Violent Crimes**
Members who investigate assaults or any other violent crimes shall provide victims or their dependents with the Department Victim/Witness Form which outlines the availability of a broad range of services available from the Victim/Witness Service Center.

Investigating members will note in the body of their report of a violent crime the fact that the form was provided and to whom it was given.
A. **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 PC §273a (willful cruelty or unjustifiable punishment of a child) or PC §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 (PC §11165.6).

**Neglect** means the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person.

**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.

B. **Department Member Responsibilities**
The member’s primary responsibility shall be to ensure a child is in, or placed in, a safe environment. Subsequent criminal investigations and/or arrest are secondary issues.

Members dispatched to incidents of suspected abuse, neglect, or endangerment shall:
- Investigate to determine if the child has suffered, or there is a substantial risk that the child will suffer [e.g., WIC §300 (a)-(d) and (j)], physical abuse, neglect or endangerment and/or whether a crime has been committed;
- Take reasonable steps to determine if there are any other children in the home who may be at risk of abuse;
- Determine who the perpetrator(s) is/are, and whether the child will be removed and placed with CPS per WIC §300 and WIC §305; and
- Shall notify their supervisor when investigating child abuse cases which involve serious injuries (e.g., broken bones, head trauma, multiple wounds, etc.).

Supervisors shall notify the Child Abuse Unit supervisor to determine if investigators should respond.

C. **Newborns Testing Positive for Drugs**
Members shall not respond to medical facilities to place WIC §300 holds on drug-exposed infants. Members will continue to respond to other requests for WIC §300 hold evaluations on suspected child abuse, neglect, and/or endangerment incidents.

D. **Temporary Protective Custody**

**Authority to Take Into Custody**
Both our agency and CPS shall work collaboratively, sharing information and participating in a shared decision-making process.
- Through this process, the officers may take into temporary protective custody any juvenile falling under the provisions of WIC §305.
• In all cases where a juvenile is placed under WIC §305, the incident shall be investigated sufficiently to determine whether siblings of the victim juvenile are also at risk and subject to protective custody.

Members taking juveniles into protective custody under authority of WIC §305 shall immediately notify CPS directly by telephone or through ComCen to initiate placement and follow-up measures.

Placing Minor with Relatives/Friends
When a juvenile is left without supervision as the result of the arrest of one or both parents, a placement is not required when:
  • The charges against the parents do not include any violation against the juvenile including sexual assault, physical abuse, neglect, or endangerment. Charges related to drug usage or drug possession (where the juvenile may have had access to the drugs) may constitute endangerment and should be evaluated accordingly; and
  • A parent with legal custody requests that the juvenile be placed with a friend or relative who agrees to assume responsibility; and
  • The officer evaluates the friend or relative and their home environment and determines it is reasonably fit and does not constitute an obvious risk to the juvenile; and
  • The juvenile is not in need of immediate medical attention.

When custody is assumed by a relative or friend under these circumstances, full identifying information on the person taking custody shall be included in the officer's report of the incident. CPS shall not be notified in these circumstances.

Placement Procedures
When the decision to place a juvenile has been made by an officer, the determination of where the juvenile is to be placed rests solely with CPS.

When it is determined that a juvenile will be removed from the home, the officer should assist the CPS worker in locating clothing, identification papers, Medi-Cal cards, and other necessary items.

Notification of Parents
Officers placing a juvenile in protective custody shall ensure that a parent, guardian, or responsible relative is contacted and advised to contact CPS for information on the juvenile.

E.  CPS Assistance
CPS provides assistance to law enforcement in situations where juveniles need protection. Social workers are available on a 24-hour basis to provide:
  • Assistance in evaluating the juvenile's home situation and the need for the juvenile's removal. In the absence of a court order, the final decision to remove the juvenile shall be made by the officer. When there is disagreement between the officer and the CPS worker concerning the need for the juvenile's removal, the officer's supervisor shall be called to determine if removal is warranted under WIC §300. When the supervisor determines that removal is warranted, the officer shall remove the juvenile. If CPS is not satisfied with the supervisor's decision, the supervisor should call a field commander who will make the final decision. When CPS is not satisfied with the Field Commander's decision, CPS shall make their concerns known through their chain of command;
  • Placement of the juvenile and investigation of placement alternatives. This may involve the location of relatives or the provision of homemaker services; and
  • Transportation to medical or foster care facilities as needed when a juvenile is placed into their custody.

When an officer suspects physical or sexual abuse of a juvenile, a CPS worker shall be notified so that a medical evaluation of the juvenile may be initiated. Whenever possible, the officer shall contact CPS
The officer shall provide:
- The name(s) and birth date(s) of the parent(s) and of the juvenile(s) who is/are to be placed,
- The reason for the placement (e.g., abuse, neglect, endangerment, etc.),
- Whether any relative(s) are standing by for placement purposes, and
- The relative’s name(s) and birth date(s) so that this information can be relayed to CPS at the
time of the request.

**F. Reporting Requirements**

**Report Title**

Reports on placements of juveniles under WIC §§300/305 shall be titled according to the incident which
justified the placement, not simply "WIC §300."

When a juvenile is placed as the victim of a crime, the report shall be titled with the appropriate criminal
statute.

When a juvenile is placed under circumstances of "substantial risk of serious harm" etc., [WIC §300 (a)-
(d), and (j)] which fall short of a criminal violation, the report shall be titled, “Possible Child
Endangerment.”

When a juvenile is placed as a result of the arrest of a parent for charges unrelated to conduct against
the juvenile and the placement is being made because there is no one to assume custody of the
juvenile, the report shall be titled according to the charges on which the parent is arrested (e.g.,
warrants, petit theft, etc.).

In all placement cases special routing to CPS shall be indicated on the original report.

**Advise/Report/Route**

Members shall: 1) advise CPS of any incidents regarding suspected or actual abuse; 2) submit a
possible crime or crime report, listing all names of any children residing in the home; and 3) route that
report to CPS.

Examples are:

- Officers respond to a report of possible abuse. Upon arrival, officers are unable to make
  contact – no one is home. The call is cleared, “UTL.” Officers are to advise CPS, submit a
  synoptical report, and route the report to CPS.

- Officers respond to a report of possible abuse. Upon arrival, officers contact the children and
  parents. After further investigation (additional statements, reporting party contacted, etc.),
  the findings are inconclusive and there is insufficient evidence to determine whether child abuse or
  neglect has occurred. Officers are to advise CPS, submit a possible crime report, and route the
  report to CPS.

- Officers respond to a report of possible abuse. Upon arrival, officers contact the children and
  the parents. Based upon the evidence, it appears more likely than not that child abuse or
  neglect occurred. Officers are to advise CPS, submit a crime report, and route the report to
  CPS.

**Unfounded Incidents**

Officers shall use caution when clearing a call as “unfounded.” "Unfounded" is a call determined by the
officer(s) who conducted the investigation to be false, to be inherently improbable, to involve an
accidental injury, or not to constitute child abuse or neglect. Prior to clearing a call as “unfounded,”
officers shall 1) review call history, 2) review previous suspect contacts (RPW or MARS name search),
and 3) contact CPS to review previous abuse reports receive from other agencies. If the officer is
satisfied the call is false, only a synoptical report is required. No CPS notification or routing is necessary.

G. **Mandatory Notification Guidelines**
Pursuant to PC §11165.9, this Department is defined as a "child protective agency". All Department members 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 PC §11166.

**Mandatory Notification**
Pursuant to PC §11166.1, when this Department receives a report of abuse occurring at the below listed facilities, notification shall be made within 24 hours to the licensing office with jurisdiction over the facility.

- A facility licensed to care for children by the State Department of Social Services; and/or
- A report of the death of a child who was, at the time of death, living at, enrolled in or regularly attending a facility licensed to care for children by the State Department of Social Services, unless the circumstances of the child’s death are clearly unrelated to the child’s care at the facility

Additionally, an immediate notification is required to the appropriate licensing agency if the suspected child abuse occurs while the child is being cared for in a child day care facility, involves a child day care licensed staff person, or occurs while the child is under the supervision of a community care facility licensee or staff person.

H. **Emergency Protective Orders**
Members shall request an EPO if any of the following conditions exist:

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

**Procedures for Issuance of EPO's**
A judicial officer shall be contacted regardless of the time of day. The determination of the designated judicial officer to issue or not to issue an EPO will be final.

I. **Transportation of Juveniles Under Eight Years**
When members need to transport juveniles in their patrol car who are under eight years, and there is no child passenger restraint system available, members shall secure the juvenile by seat belt prior to transport [CVC §27363 (b)].
A. **Response to Calls**
When a phone call involves a serious threat (i.e., death, bodily harm, rape, or assault) to the immediate safety of the victim, a member shall be assigned to handle the call in person.

When the victim knows the perpetrator, and the phone call is not a serious threat, a member may be assigned to handle the call in person or a report may be taken telephonically.

When the call is not a serious threat and the perpetrator is not known, the victim shall be provided with a Synoptical case number.

B. **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.

C. **Supervisor Responsibility**
The supervisor will contact the security office of AT&T to request a trap. When an emergency trap is set up, the supervisor making the arrangements shall notify the Misdemeanor Crimes Detective of the district, by memo, voicemail, or email, detailing the circumstances. The victim shall be advised that the results of a phone trap may take weeks to obtain. As a result, the victim will be contacted by the follow-up investigator when trap results are received.

When the victim has called AT&T prior to calling the Department, AT&T will ask for a case number. A report shall be prepared consistent with the guidelines in this procedure and Procedure § 344.
Fresno Police Department Procedures Manual

Missing Person Reporting

Corresponding Policy 332: Missing Person Reporting

A. **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.

Missing person also includes any child who is missing voluntarily, involuntarily or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance.

**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.

B. **Reporting Requirements**

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.

Prior to taking a missing person report, members shall ensure that the RP has checked the FCJ, JJC, local hospitals, etc., or shall assist the RP in so doing. When it has been determined that a person is missing, and the pre-reporting checks were unsuccessful in locating the person, a report shall be taken without delay. There are no exceptions for walkaways from mental facilities or other care taking facilities. Entries for any at-risk or missing persons under the age of 21 years shall be made into CLETS within two hours from the time the call is received from the RP.

Patrol members should handle the initial missing person report. Department members shall promptly assist any person who is attempting to make a report of a missing person or runaway. The Missing Persons Unit will begin an investigation after an initial search by patrol personnel.

Completion of Investigation/Voiding Case Numbers (CN)

Members shall complete their investigation at the time of the initial call and obtain a CN before clearing. Members shall not "void" CN’s once issued.

When investigating a missing person case and a CN is obtained by the member, and the subject is located prior to clearing the call, the member shall telephone teletype to have the missing person entered into MUPS and then immediately canceled from MUPS.

Out of Jurisdiction Missing Persons

When a call is received of a person who is missing from a location outside of the Department's jurisdiction, members shall take the report without delay. Within 24 hours, Records Section shall notify and forward a copy of the report to the police or sheriff's department or departments having jurisdiction of the residence address of the missing person or runaway and of the place where the person was last seen.
The Fresno Police Department Missing Person Report Form shall be used on out of jurisdiction missing person’s cases. Members shall add the agency’s name to the routing box in RPW.

When a person reported missing under this subsection is located, a GI shall be prepared containing the circumstances of the location, details of teletype cancellations, and notification of other affected agencies.

**Returned Missing/Runaway Person Form**
The RP shall be given a "Returned Missing/Runaway Person Form" in all missing person cases except runaways from group homes. The member shall advise the RP that they must either complete the form and mail it to the Department or call the listed phone number when the missing/runaway person has returned or is no longer missing. The member shall also advise the RP to complete and follow the directions on the form when the missing person is missing for 15 days or longer.

**C. Suspicious/Dangerous Circumstances**
When the person reported missing is under 21 years of age, is mentally disabled that he or she is a danger to himself/herself or others, or is missing under suspicious circumstances or under circumstances indicating the possibility of foul play or suicide, the reporting member shall immediately notify his or her supervisor for consideration of extended searches or assistance from other bureaus and/or agencies. Members should review Procedure 334, AMBER Alerts, for additional information regarding investigative response and alerting the media.

Members shall also contact teletype without delay and arrange for the missing person information to be entered into MUPS. The teletype operator shall be advised if the person is “at risk” (As listed in Section A), has been abducted, or is possibly being sexually exploited. This MUPS entry shall be canceled as soon as the missing person is located.

**Child Stealing/Concealment/Parental Abduction/Kidnapping**
Members investigating reports of Child Stealing/Concealment and Parental Abductions/Kidnapping pursuant to PC §§ 277 through 278.5, shall:
- Notify his/her supervisor, requesting their response to the call;
- Document the incident on a CR as a crime or possible crime, as appropriate;
- List as the victim the parent or guardian from whom the juvenile(s) was taken or concealed;
- List the person who is believed to have taken the juvenile(s) as the suspect;
- List the juvenile(s) who have been taken or concealed as Missing Person in the Victim/Witness Segment of the CR;
- Attempt to verify any custody orders involved and document all pertinent details in their report;
- Complete an FPD Missing Persons Report for each child in addition to the CR;
- Complete and FPD Missing Persons Report for the abducting/concealing parent/guardian;
- Have all missing children and the abducting/concealing parent entered in MUPS through the teletype operator (as "Abducted Juveniles" and “Suspect Parent”), as soon as possible but no later than four hours after receiving the original report;
- Call the ComCen and have a broadcast sheet made up, including both juvenile and suspect information; and
- Notify all appropriate law enforcement agencies of the broadcast information, by sending a BOL message through Teletype, in any case where available information suggests the suspect and/or juvenile(s) may be en route to another jurisdiction.

**Supervisor Responsibilities**
Field supervisors will respond to all incidents involving reported abductions. He/she should notify the Missing Person Unit supervisor of any missing person, regardless of age, when the circumstances surrounding the missing person disappearance are unusual and, if based on available information, it is determined that the missing person is in a life threatening situation. The on-duty field commander shall also be notified.

Prior to notifying the Missing Person Unit supervisor, all possible leads should be exhausted including but not limited to, checking prior runaway reports, searching the immediate area, conducting a door-to-door search, checking with all known friends, relatives and classmates.
The Missing Person Unit supervisor shall contact the Family Justice Bureau Commander should circumstances require immediate action and the mobilization of all available investigative resources.

Staff Notifications
The on-duty ComCen supervisor shall notify the Investigations Division Commander and the affected Patrol Division Commander of any confirmed abduction incidents. The Investigations Commander will notify the appropriate commander or supervisor in the Family Justice Bureau to coordinate the scene response and/or investigative follow-up.

D. Investigative Aids
Members investigating incidents of abducted/missing children should utilize the investigative checklists found at the end of this procedure.

Photographs
Members taking the report shall make every effort to obtain a recent photograph of all “at risk” missing persons, print the case number and the missing person’s name clearly on the back of the photograph, and it will be submitted to the Records Section for forwarding to the Missing Persons Unit. The appropriate box on the Missing Person Report in RPW shall be checked to indicate whether a photo was available, attached, unknown/undetermined, or was not available.

When the report is handled telephonically, the RP shall be instructed to bring or mail in a photograph as soon as possible to the Missing Persons Unit.

Photos will only be returned at the request of the RP by calling the Missing Persons Unit.

Dental Records
The follow up investigator may mail the authorization form to obtain dental records on missing persons after 45 days with exception of “at risk” which is 24 hours.

E. Broadcasts and Teletype Entries
When information indicates that the missing person may be in or en route to another jurisdiction, the reporting member shall also contact teletype without delay and request that informational BOL teletypes be sent to all agencies likely to encounter the missing person. Teletypes must be addressed to specific agencies, and will be sent to only those agencies. Members taking the report shall forward the report to Teletype via the ‘Teletype’ button in RPW to obtain a file control number (FCN) from the teletype operator who will note it in the report.

When the missing person is 21 years of age or younger, or is a person believed to be at risk, and this Department is the reporting agency, teletype shall immediately broadcast a BOL to all local law enforcement agencies.

F. Publicity
When the missing person is considered ‘At-Risk’, the Field Commander shall decide if the circumstances surrounding the missing person’s disappearance require direct notification of the local media by the Department. In all other incidents, RP's requesting publicity to help locate a missing person shall be advised to contact the local media themselves.

RP’s requesting no publicity for privacy reasons shall be told that reports of missing adults are public records, and no guarantee can be made that the media will not report on their contents.

In either case, the RP’s request should be noted at the beginning of the report narrative under a heading of "ATTENTION NEWS MEDIA."
School Notifications
When the Department is responsible for follow-up investigation on a missing juvenile case (including child concealment and child abduction), the Missing Persons Unit (MPU) investigator shall notify the school which the missing juvenile attends, in writing, of the disappearance (Education Code §49068.6). This notification shall be completed within ten days of the disappearance, and shall include a photograph of the child when available.

G. Walkaways from Mental Health Facilities
Certain members of the Fresno County Mental Health Department and certain private mental health practitioners on contract to the County, may pre-designate a patient as being subject to detention under WIC §5150 based on the patient's history, regardless of the patient's outward behavior when located.

Members taking a report of a person missing from a mental health facility shall ask the RP if he or she is empowered to make this pre-designation for WIC §5150 commitment for the missing person. When this designation is to be applied, it shall be noted in the "If Located" box of the Missing Person Report with an explanation in the narrative. The requested disposition shall also be noted in all broadcast sheets, teletypes and computer entries. When a missing person is not subject to a pre-designated WIC §5150 commitment, but was placed at the mental health facility under conservatorship, members shall determine where the RP would like the person taken when located. This information shall be included in the report, broadcast sheets, teletypes and computer entries.

When taking a report of a missing person, members shall inquire about the person’s mental health status, and shall consider implementing the procedures in Section G when the person seems to be in danger due to his/her mental health disability.

Found Person with Mental Health Disability
Members locating a missing person shall first evaluate the found person for WIC §5150 commitment based upon behavior exhibited at the time of contact. When the found person is subject to pre-designated WIC §5150 commitment, members shall proceed with the commitment using the mental health practitioner’s authority.

When the person does not qualify for either of these commitment procedures, members shall check the report for other dispositional options. When the person is under conservatorship, members shall return the found person to the location originally requested by the RP.

When the found person does not qualify for WIC §5150 commitment and is not under conservatorship, the located missing person shall be handled the same as any other located missing person.

H. Located Missing Adults
Members shall evaluate medical and mental health status (i.e., WIC §5150) of the found person, ask the found person if he/she objects to the RP on the original report being informed about his or her whereabouts and status, and shall then release the found person absent extenuating circumstances (Section G). Members shall attempt to contact the RP and advise them that the missing person was located and was advised that they had been reported missing. The RP shall be given no further information about the missing person's whereabouts and status unless the found person consented to the release of the information.

Found Adults Who Are Lost or Unable to Care for Themselves
Members encountering an adult who is lost or otherwise unable to care for himself or herself shall first check for a missing person report, evaluate the found person’s medical / mental health status, and take the appropriate steps relating to detention or release.

When no report is on file, members shall attempt to locate the found person's residence or other place of care, and return the found person to that place.
When the found person's place of residence or care cannot be located, members shall contact Adult Protective Services (APS) through the ComCen. APS will take responsibility for the found person and arrange housing and care pending location of the found person's residence or place of care.

I. **Transportation**
Transportation of found persons in Department vehicles shall be limited to juveniles and others who are at risk if left unattended. Prior to transporting a found person, supervisor approval must be obtained. When the found person is to be handled as a WIC §5150 commitment, only an ambulance shall be used for transportation.

J. **Located Missing and Runaway Juveniles**

Disposition of Juvenile
Juveniles who have been reported missing or runaway, regardless of the location of occurrence, shall be taken to either the Sanctuary or any other reasonable and appropriate location which may be requested in the disposition of the report (when an FPD missing/runaway).

When a juvenile reported as missing or runaway from outside the City wishes to return home, members may explore using Greyhound Bus Lines "Home Free Program" where free bus transportation is provided to the juvenile's home town if it is on one of their routes. This program is operated by the National Runaway Switchboard. The 24 hours phone to NRS is (800) RUNAWAY / (800) 786-2929. The use of the program is to be initiated by the Missing / Runaway Juvenile, and requires the Missing / Runaway Juvenile to agree to the use of the program. The program accepts children between twelve (12) and twenty-one (21) years of age. Children under age fifteen (15) are required to have an accompanying adult. NSR will provide round trip transportation for the parent, guardian, or legal custodian from their hometown to meet, and accompany the child back home. Before using this option, the member shall first make contact with the juvenile's parent/guardian to ensure that they want the juvenile returned home and to arrange for the pickup of the juvenile at the destination. When these conditions are acceptable to the parent/guardian, the juvenile shall be transported to the Greyhound Terminal and the member shall complete Greyhound's required form. Members using this option shall document the incident on a GIR entitled "Located Missing Person/Outside Agency". The report shall include the bus number, route number, time of departure from the bus station and the estimated time of arrival at the intended destination as well as the circumstances leading to the parent/guardian's approval of this option. The report shall be directed by Special Routing to the agency of origin of the missing person report.

Members shall contact teletype and cancel the juvenile’s entry from the MUPS. When the juvenile is reported missing or runaway from an agency other than the FPD, the member shall either ensure that either a teletype message is sent or phone call made to the originating agency advising them of the current status of the juvenile.

Documentation
A Missing Person Close-Out Report shall be completed to document the discovery and disposition of juveniles originally reported as missing from within the City.

Located missing juveniles from other jurisdictions shall be documented as described in Section L.

Homeless or Transient Juveniles
Juveniles who do not have a fixed nighttime residence, are not under parental or guardian control, and have an address within Fresno County may be taken to the Sanctuary. Those who do not have an address within Fresno County may be taken to the Rescue Mission's Homeless Youth Shelter.

K. **Additional Information/Cancellations**
Investigating members shall advise the RP to immediately report any information received about the missing person including when the missing person is located. Any member of the Department receiving additional information about a reported missing person shall either prepare a FR documenting the information received, or shall ensure that the person giving the information is immediately referred to another member of the Department for reporting purposes. Modification or cancellation of broadcast sheets will not suffice as a disposition.
Members shall contact the teletype operator and cancel the MUPS entry when the missing person is located. This shall be noted on the Close-Out report.

**Exceptional Close Out of Runaway Juvenile Report**
When a missing person report exists relating to a runaway juvenile who has reached the age of 18 and there is credible evidence indicating that the runaway has been seen/is alive and well after reaching the age of 18, the report shall be closed out and appropriate teletype/broadcast cancellations shall be made by the Missing Persons Unit. Evidence that the missing person has been seen/is alive and well can include arrests, FI's, traffic citations, pawn activity, and other contacts or activities wherein the missing person's identity was reliably established.

*Exception:* When the subject of the report was described as "at risk" the report and teletype/broadcast entries shall not be canceled.

**L. Location of Outside Agency Missing Persons**
Persons reported missing by another agency who are located by a Department member shall be reported on a GI entitled "Located Missing Person/Outside Agency." The report should include appropriate information, including the other agency's name and case number, and Special Routing should reflect the originating agency name. The disposition of the found person will be consistent with the requirements of this order. The reporting agency should be notified by phone or by teletype, and teletype cancellations shall be made as soon as possible after locating the person. A copy of the report shall be forwarded to the originating agency by Records.

**Located Out-of-State Runaway Juveniles**
Members who locate an out-of-state runaway juvenile, other than an absconder, escapee or parolee at large under the age of 18 years, shall detain the juvenile and contact CPS for placement. CPS will take care/custody of the juvenile and facilitate the juvenile's return to his/her home state after completion of the appropriate court process pursuant to the Interstate Compact on Juveniles, *WIC §1300*. Absconders, escapees and parolees at large under the age of 18 years may be released to Fresno County Juvenile Probation rather than CPS, at the discretion of Juvenile Probation. No out-of-state runaway juvenile shall be taken to the Sanctuary or released in any manner inconsistent with this procedure.
ABDUCTED/MISSING CHILDREN CHECKLIST FOR FIRST RESPONDERS

1. Interview parent(s)/legal guardian/person who made initial report.
2. Verify that the child is in fact missing.
3. Verify child’s custody status.
4. Identify the circumstances of the disappearance.
5. Determine when, where, and by whom the missing child was last seen.
6. Interview the individuals who last had contact with the child.
7. Identify the child’s zone of safety (areas of familiarity) for his or her age and developmental stage.
8. Conduct an immediate, thorough search of the missing child’s home, even if the child was reported missing from a different location.
9. Based on the available information, make an initial determination of the type of incident whether nonfamily abduction; family abduction; endangered runaway; or lost, injured, or otherwise missing.
10. Obtain a detailed description of the missing child, abductor, and any vehicles used.
12. Evaluate whether the circumstances of the child’s disappearance meet AMBER Alert criteria and/or immediate community-notification protocol. Discuss plan activation with supervisor.
13. Relay detailed descriptive information to communications unit for broadcast updates.
14. Determine need for additional personnel including investigative and supervisor staff.
15. Brief and bring up to date all additional responding personnel.
16. Ensure that everyone at the scene is identified and interviewed separately. Make sure that their interview and identifying information is properly recorded. To aid in this process, if possible, take pictures or record video images of everyone present.
17. Note name, address, home/business telephone numbers of each person.
18. Determine each person’s relationship to the missing child.
19. Note information that each person may have about the child’s disappearance.
20. Determine when/where each person last saw the child.
21. Ask each one, “What do you think happened to the child?”
22. Obtain names/addresses/telephone numbers of child’s friends/associates and other relatives and friends of the family.
23. Continue to keep communications unit apprised of all appropriate developing information for broadcast updates.
24. Conduct search to include all surrounding areas including vehicles and other places of concealment.
25. Treat areas of interest as potential crime scenes.
26. Seal/protect scene and area of the child’s home (including child’s personal articles such as hairbrush, diary, photographs, and items with the child’s fingerprints/footprints/teeth impressions) so that evidence is not destroyed during or after the initial search and to help ensure that items which could help in the search for and/or to identify the child are preserved. Determine if any of the child’s personal items are missing. If possible, photograph/videotape these areas.
27. Evaluate contents and appearance of the child’s room/residence.
28. Inquire if the child has access to the Internet and evaluate its role in the disappearance.
29. Ascertain if the child has a cellular telephone or other electronic communication device.
30. Ensure that information regarding missing child is entered into the National Crime Information Center’s (NCIC) Missing Person File and that any information on a suspected abductor is entered into the NCIC Wanted Person File. (Carefully review NCIC categories before entering the case, and be sure to utilize the Child Abduction flag whenever possible.
31. Interview other family members, friends, associates of the child, and friends of the family to determine
   a. ___When each last saw the child.
   b. ___What they think happened to the child.
32. Secure the child’s latest medical and dental records.
33. Prepare reports/make all required notifications.
CHECKLIST FOR FIELD SUPERVISORS

1. Obtain briefing and written reports from the first responding officer and other personnel at scene.
2. Evaluate what type of missing child: non-family abduction; family abduction; runaway; or lost, injured, or otherwise missing.
3. Does it meet, “Amber Alert,” criteria?
   ✓ Victim under 18 yrs (or with known mental or physical disability) AND
   ✓ Confirmed abduction, AND
   ✓ Victim in imminent danger of serious injury or death, AND
   ✓ Information is available which, if disseminated to the public, could assist in the safe recovery of the victim.

If it does meet criteria, notify Field Commander who will contact C.H.P. and request Amber Alert thru ENTAC @ (916)843-4199. (If it does not meet criteria, may still contact ENTAC, for limited broadcast on missing child)

4. Should door to door contact be attempted with Neighborhood questionnaire? (see Neighborhood questionnaire)
5. Extended search needed? Surveillance of major intersections? Isolate areas?
6. Photos or victim/suspect, vehicles available (video policing?)
7. Determine if additional personnel are needed to assist in search or investigation.
8. Establish Field Command Post, away from child’s home.
9. Notification of Field Lieutenant, District Commander, PIO, etc.) and media
10. Determine if outside help is necessary from
    [ ] Specialized Units
        [ ] K-9/Bloodhounds
        [ ] Skywatch
        [ ] Night Detectives
        [ ] Eagle One
        [ ] Volunteers
        [ ] FSO
        [ ] CHP
        [ ] FBI, Other agencies
11. MAPS
12. Ensure that all agency policies and procedures are in compliance.
13. Utilize media (including radio, television, and newspapers) to assist in the search for the missing child and maintain media relations, per established protocols, throughout the duration of the case.
14. Confirm child entered into NCIC, if abducted enter as abducted
NEIGHBORHOOD INVESTIGATION
STANDARD QUESTIONNAIRE

1. Address:

2. Type of Structure

3. Vehicle descriptions and license plates present at location

4. Is the victim’s home visible from this location?

5. Is the abduction site visible from this location?

6. Full name of person contacted:
   DOB/ Phone/

7. Do you know the_________ family and specifically the victim,_________?

8. Were you home on the day of the incident?

9. Names of all occupants and visitors at this home at the time of incident?

10. What did you observe on that day?

11. What did you hear?

12. What activity did you see or hear at or near the victim’s home?

13. Tell me everything you know about the victim and his/her family.

14. What is the usual daily activity in this area (day and night)?

15. What have you noticed in the past two months that is suspicious or unusual?

16. What delivery people come to this area?

17. Describe the normal vehicle/pedestrian traffic in the area around the time of the incident.

18. What vehicles were observed in the area around the time of the incident?

19. Are any of the vehicles not normally in the area?

20. What person(s) were observed in the neighborhood at time of the incident?

21. Which of these people are not usually in the neighborhood?

22. Who is usually arriving/leaving the area around the time of the incident?

23. Have any neighbors recently left the area?

24. Are you aware of anyone who may have information about this incident?

25. Do you have any other information that you feel is important?

26. Is there anything else you would like to tell us?

When appropriate, obtain consent to search the residence, vehicles, storage areas.

Procedure 332
A. **Evidence Collection**
A Department phlebotomist will be available for blood draws on all in-custody arrests between 1800-0400 hours seven days a week.

- The phlebotomist will be logged on to the traffic channel and will also be available by pager through ComCen.
- Officers shall utilize the department phlebotomist unless injury to the suspect requires the suspect to be transported to a hospital for medical treatment. The officer shall then utilize hospital staff to draw a blood sample and will follow the protocol established by that hospital.

Urine samples should be taken at a Crime Scene Bureau holding cell. An officer of the same sex as the suspect shall witness the provision of the urine sample.

The procedure for handling and booking samples shall be consistent with Procedure §373.

Evidence samples in HS §11550 cases are not sent to DOJ so DOJ supplies shall not be used.

- The sample(s) shall be placed in the Blood and Urine Drop Box in the Property Room of HQ not in the narcotics evidence locker.
- When a blood or urine sample is deposited at HQ, the sample shall be accompanied by a PER deposited in the drop box with the sample but not in the sample envelope.
- PECS shall match the reports with the samples and secure all samples for pick up by lab courier.

When possible, the investigating officer should contact the parole officer of parolees arrested for HS §11550 to request authorization for placement of a parole hold on the suspect at the time of booking.

B. **Refusal to Take Chemical Test**
When the suspect refuses to be tested, and no search warrant is obtained, the suspect shall still be charged with being under the influence if sufficient independent evidence exists to support the charge.

The suspect's actions and refusal to be tested shall then be noted in the crime report. In the absence of a blood or urine sample, special care shall be taken to document all visual and other evidence.

**Blood Sample Without Consent**
A blood sample may be obtained from a person when any of the following conditions exist:

- A search warrant has been obtained (Penal Code §1524); or
- The officer can articulate that exigent circumstances exist that justify a warrantless search.
C. **Reporting Requirements**
The officer detaining or arresting the suspect shall complete a crime report.

The examining officer, when different from the detaining officer, shall complete a crime report, or supplemental report when appropriate, which shall include all details of the examination and interview.
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.

Supervisors shall be contacted to implement any of the below listed alerts.

A. **AMBER Alert**
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. An AMBER Alert should only be implemented when all four of the following criteria have been met:

- A confirmed abduction by a stranger has occurred; or the victim of a parental abduction faces the threat of injury or death;
- The victim is under the age of 18, or has a proven mental or physical disability;
- There is reason to believe the victim is in imminent danger of serious bodily injury or death; and
- There is information that, if disseminated to the general public, could assist in the safe recovery of the victim.

As an investigative tool, members should utilize the ‘Abducted/Missing Children Checklist for First Responders’ located in Procedure §332.

B. **Blue Alerts System Notifications**
The purpose of a Blue Alert is to quickly coordinate and provide information to the public and solicit help in the safe and swift apprehension of suspects meeting specific criteria. A Blue Alert should only be implemented when all four of the below criteria have been met (Government Code §8594.5):

- A law enforcement officer has been killed, suffers serious bodily injury, or is assaulted with a deadly weapon, and the suspect has fled the scene of the offense;
- A law enforcement agency investigating the offense has determined that the suspect poses an imminent threat to the public or other law enforcement personnel;
- A detailed description of the suspect’s vehicle or license plate is available for broadcast; and
- Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

C. **Silver Alerts System Notifications**
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. All of the following conditions must be met before activating a Silver Alert (Government Code §8594.10):

- The missing person is 65 years of age or older, developmentally disabled or cognitively impaired;
- The department has utilized all available local resources;
- The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances;
- The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril; and
• There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

D. Response Procedures
There are two response levels regarding AMBER/Blue/Silver Alert procedures.

First Level Response Procedures (Field Supervisor)
• Confirm that each of the criteria associated with the alert are met;
• Notify the Field Commander;
• Confirm that ComCen has provided broadcast information to FSO, Clovis PD, local CHP (and others as indicated); and
• Provide on-scene personnel with a checklist when appropriate (i.e. Abducted/Missing Children Checklist for First Responders).

First Level Response Procedures (Field Commander)
• Obtain information, complete AMBER/Blue/Silver Alert Info Sheet (see attached form);
• Send the information via email to the following recipients: ENTAC@chp.ca.gov; fresnosheriffdispatch@fresnosheriff.org; jratzlaff@fbi.gov; and duty.office@fresno.gov; and
• Confirm receipt of email with CHP ENTAC @ (916) 843-4199) and FSO Watch Commander @ 600-1650.

Second Level Response Procedures (Field Supervisor or Commander)
• Identify a location for media response; initiate MAPS thru ComCen for an on-site press conference ASAP. Provide full information and photograph of the victim, request broadcast ASAP (go “live” if possible - DO NOT wait for the PIO);
• Notify FPD Duty Office (621-2375), have them:
  o Initiate call-outs of:
    ▪ PIO;
    ▪ Appropriate investigative Unit/Team responsible for follow-up investigation as needed (Contact the Unit/Team Sergeant for list of detectives to contact); and
    ▪ Other resources as directed by Field Commander.
  o Make notifications to:
    ▪ Patrol District & Division Commanders;
    ▪ Family Justice Bureau Commander or Criminal Investigations Bureau Commander as appropriate; and
    ▪ Chief of Police.
• Consider the need for information dissemination beyond the local area. [NOTE* this can also be done in cases NOT meeting all of the Amber Alert criteria.] If so, contact CHP and request on-scene liaison assistance. CHP can access their ENTAC (Emergency Notification and Technical Alert Center: (916) 843-4199) which can access:
  o CMS system (Changeable Message Sign, freeway overheads);
  o TRAK system (Technology to Recover Abducted Kids), an internet based multi-agency flyer distribution system); and
  o EDIS (Emergency Digital Information Service, an Internet and CLETS based system) - goes to California law enforcement agencies, Nevada Highway Patrol, Oregon State Police and statewide media outlets.
• Establish Command and Media Centers, as needed.

E. Code Red Alert
The Code Red Emergency Notification System is intended to notify public safety personnel and/or citizens of the City of Fresno of an emergency situation that may require immediate attention and/or action.

Code Red may be activated at the discretion of the Chief of Police or his/her designee in emergency situations. Acceptable uses for emergency notification include, but are not limited to:
The Duty Office is responsible for launching the notification using the Code Red System. These emergency notifications will come via (866) 419-5000. All notifications will contain the following admonishment: “DO NOT call 911 for further information unless you need immediate aid from the police or fire department.”

Code Red may be activated for non-emergency situations or informational purposes at the discretion of the Chief of Police or his/her designee. Acceptable uses for non-emergency/informational notification must be planned in advance.

Examples, but not limited to:
- Crime spree notification
- Street/Highway Closings
- Sexual Predator Alert
- Neighborhood Watch Information
- Valley Crime Stoppers Information
  - For Inter-Department Notification only
- Training Announcements for designated teams and members
- Testing roster contact data
- Public safety drills/exercise

The Duty Office is responsible for launching the Code Red System for non-emergency or informational notifications. These notifications will come as a voice message via (855)969-4636.
Fresno Police Department

γ Child Abduction - “Amber Alert”

γ Blue Alert

γ Silver Alert

(check appropriate alert requested)

Facsimile Transmission

Request for Emergency Alert System Broadcast:

Date: ______________________  Time ______________________

TO:  CHP ENTAC; FSO Watch Commander; Jacqueline Neumann (FBI); FPD Duty Office; FPD Public Information Office

FROM:  Fresno Police Department
Field Commander (name/rank) _______________________________

Phone Contact #____________________

The Fresno Police Department is currently investigating a (check appropriate type):

γ Child abduction;

γ Felonious assault on a peace officer;

γ Missing person who is 65 years of age or older, developmentally disabled or cognitively impaired.

and requests immediate activation of the Amber Alert/Blue Alert/Silver Alert/. Please broadcast the following text:
A. **Marijuana Cultivation Cases**

**Marijuana Seizure**

Members investigating and seizing a large amount of marijuana (in excess of 10 lbs.) shall notify a field supervisor. The supervisor, in turn, will notify the Property and Evidence Control Section (PECS) Supervisor for direction regarding packaging, any necessary personal protective equipment (e.g. gloves),

If a suspect claims the right to possess the plants in accordance with the California Medical Marijuana Program, and he/she possesses a Medical Marijuana Card, the supervisor will contact the SIB Commander for additional direction.

**Verifying Ownership**

In all cases, attempts shall be made to ascertain the ownership of cultivated marijuana plants as well as the identity of others who actively cared for the plants.

**Approval for Immediate Disposal**

Pursuant to H&S §11479, any law enforcement agency that seizes more than 10 lbs. of marijuana (gross weight) may destroy the amount in excess of the 10 lbs. without a court order when the Chief of Police or designated subordinate has determined it is not reasonably possible to store the controlled substance at the Department. The destruction may occur when all of the following requirements have been met:

- All marijuana shall be weighed and photographed;
  - At a minimum, photographs shall show the marijuana at the suspect’s residence/grow site, AND being disposed of.
  - If members need to weigh the 10 lbs. of evidentiary marijuana to be booked into evidence, the Major Narcotics Unit has a Rubbermaid trash container and scale available.
- In addition to the 10 lbs. of marijuana to be booked into evidence, at least five random and representative samples shall be collected and booked; and
- The Chief of Police or designated subordinate (i.e. Field Commander) has authorized immediate destruction.

Following destruction, an affidavit shall be filed within 30 days with the court presiding over the criminal case.

**Coordination of Disposal**

Once authorization for immediate destruction is received, the investigating member shall contact

**Transport to**

Transportation and handling of marijuana to be destroyed shall be conducted by a minimum of two members. The transporting members shall proceed directly to the disposal site, avoiding all unnecessary stops. All necessary equipment (i.e. shovels, rakes, etc.) will be brought to the disposal site to facilitate the unloading. Upon arrival, American personnel will weigh the vehicle containing the marijuana and escort the load to the drop-off location. The transporting members may be required to
Reporting
A crime report shall be prepared and will be forwarded to the Special Investigations Bureau (SIB) for filing of charges with the DA's Office. The report should contain a complete description of the plants (including quantity) and how they were cared for.

B. Laboratories Discovered by Officers
When an officer locates an actual or suspected lab, the officer shall:
- Immediately leave the site of the lab and establish surveillance from a safe distance; and
- Notify a field supervisor who, in turn, shall contact a district commander, assistant district commander, or field commander and a SIB supervisor. A SIB supervisor shall respond to the location of the suspected lab and take charge of the investigation.

Information to be Obtained
The following information shall be obtained by the responding officer and/or Emergency Services Dispatcher (ESD) and supplied to the field supervisor:
- Location of suspected lab;
- Description of lab;
- Substance being manufactured;
- Description of suspects;
- Name of R/P and how they became aware of the lab; and
- Name of reporting officer and his location

C. Narcotic Investigations/Operations – Event Deconfliction/
Members shall contact a Narcotics Section supervisor before proceeding with a drug related investigation likely to lead to a search warrant or "knock and talk". Any drug enforcement effort shall be coordinated with SIB.

Prior to any narcotic operation, it will be announced and documented in the briefing material that the operation has been cleared through the Event Deconfliction system, such as WSIN. The name of the contact person at WSIN shall be noted in the briefing material.

In the event of an ongoing investigation, WSIN will be contacted prior to each operation within that investigation. Officers shall advise when an operation or investigation is concluded. Refer to Procedure 610

Supervisor Responsibility
The affected district commander shall ensure sufficient officers in their district are trained in the use of the system. The SIB shall provide the necessary training to Department personnel.
A. **Advisement Responsibility**
Members reporting or investigating a crime will ensure the victim has been provided with information about the existence of the local victim centers and a copy of the Victim’s Bill of Rights, also known as Marsy’s Rights, as mandated by Penal Code §679.026(c)(1).

This advisement shall include presenting the victim with a Victim Information form, which shall include the case number for the specific crime report. This form shall be provided to victims in addition to other required forms, such as the Domestic Violence Victim Information form and the Sexual Assault Victim Information form.

**Crime Victims**
Officers should never guarantee a victim’s safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

**Victims of Human Trafficking**
Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim’s parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code §293).

**Witnesses**
Officers should never guarantee a witness’ safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

**Reporting Officer Responsibility**
It shall be the primary responsibility of the reporting member to make the required advisement while presenting the victim with a Victim Information form.

The officer shall not attempt advisement when the circumstances are such that the advisement would add to the grief and suffering of victim or dependent. Such advisement shall be made at a time and place where the victim is able to understand and appreciate its meaning.

The officer shall document the completion of the advisement or the reason the advisement was not completed in the report.

**Detective Responsibility**
In the event the victim cannot be identified or due to the nature of the injury cannot be advised, the investigating officer who later contacts or identifies the victim and/or dependents shall make the necessary advisement.
Supervisor Responsibility
It is the responsibility of any supervisor approving a report to ensure that information is included to document the proper advisement being made or the fact that such advisement could not be accomplished.

The detective supervisor is then responsible to ensure that the proper advisement is accomplished and properly documented as the follow-up investigation is conducted.

B. Records Section Responsibility
The Records Manager shall be the liaison officer to the Victim-Witness Assistance Program office. It shall be his/her responsibility to forward copies of police reports requested by personnel at the local victim centers to verify the criminal activity upon which the application for assistance is based. Policy §810 regarding release of reports shall be followed in all cases.
A. **Animal Bites**
Members shall be dispatched to animal bites when one or more of the following special circumstances exist:

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

Members will respond to maintain safety of citizens and/or property of others. (i.e. other dogs).

B. **Care for Injured Persons**
Members investigating animal bite calls shall provide medical assistance for injured persons.

C. **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 **MC § 9-219** to quarantine the animal and report the incident to the Fresno County Health Department.

D. **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 **MC § 9-223**.

E. **Reporting**
When members investigate a bite involving special circumstances, they shall document the incident with a Casualty Report. The Casualty Report should include, but not be limited to:

- Any previous history of the animal attacking, biting, and/or causing injury to a person or animal;
- The nature and extent of injuries inflicted;
- The presence/absence of any provocation for the bite/attack;
- Description of any property damaged/destroyed by the animal;
- Any evidence of the animal being trained to fight/attack;
- Whether the animal exhibits aggressive behavior;
- Action taken by the member;
- Advice given to the victim; and
- Any warnings given to the animal’s owner.

F. **Deceased Animals**
Small, dead animals should be reported to the ComCen and removed from the roadway so that they may be picked up during business hours. ComCen is responsible for notifying the SPCA of the animal’s location.

Large, dead animals (e.g., horses, cows) shall not to be referred to the SPCA. ComCen shall contact Baker’s Commodities to recover the animal.

G. **Vicious Dogs**
When members are dispatched to a call of a vicious dog at large and they cannot locate the dog, the RP shall be referred to the SPCA for assistance.
When members locate a vicious dog at large the SPCA should be requested to impound the dog pursuant to MC § 9-217.

H. **Barking Dogs**
Members will not be dispatched to handle barking dog complaints. The reporting party (RP) should be advised that mediation with their neighbors can often result in a satisfactory solution for all parties involved. Free mediation services are offered at no cost to Fresno residents by:

BBB Mediation Services
4201 W. Shaw #107
Fresno, CA 93722
(559)256-6300 or (800)675-8118, ext. 300 (Citizen may leave a message for a call back)
e-mail: info@bbbmediation.org

Officers will continue to respond to verbal and physical disturbances between neighbors, as dictated by current dispatching policies, regardless of the original cause of the disturbance.

I. **SPCA Assistance**
The SPCA will respond to calls Monday through Saturday during regular business hours. SPCA response after regular business hours (1630 to 0800), on Sundays, and holidays, is limited to:

- Injured/Sick animals;
- Animals in distress;
- Vicious animals and animals that have bitten and are at large or cannot be quarantined by the owner;
- Impounding animals as a result of owner's arrest, injury, etc; or
- Large stray animals (e.g., horses, cows, etc.) posing a risk to traffic, etc.

When possible, members will stand by animals until the arrival of the SPCA field unit.

Members will render reasonable assistance to SPCA personnel.
This Department will utilize all available resources to see that justice is served under the law when such rights are infringed upon by violence, threats or other harassment.

When any member receives information of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the incident shall be documented consistent with Policy/Procedure §344.

A. **Basis of a Hate Crime**
   Must be motivated by at least one of the following:
   - Race or ethnicity;
   - Color;
   - Religion;
   - Ancestry;
   - National origin;
   - Disability;
   - Gender, gender identity, or gender expression; or
   - Sexual orientation.

   General Guidelines of overt acts:
   - A symbol(s), word(s), or act(s) which is or may be offensive to the above listed groups;
   - Statements/actions of the victim(s), suspect(s), and other involved parties; and/or
   - Prior history of similar crimes in same area or against the same victim group.

B. **Criminal Statutes (Penal Codes)**
   - PC §422 - Prohibits threats of great bodily injury or death to another or their immediate family.
   - PC §422.6(a) - Prohibits the use of force or threat of force with the ability to carry out the threat.
   - PC §422.6(b) - Prohibits the defacing, damaging or destroying of property for reasons as stated in PC §422.6(a).
   - PC §422.7 - Makes any other criminal offenses involving threats, violence, or damage in excess of $400 a felony if done within the guidelines of PC §422.6.
   - PC §422.76 - States gender as actual or perceived sex by the defendant.
   - PC §422.9 - Provides criminal enforcement of any issue pertaining to Civil Code §52.1.
   - PC §11411 - Prohibits terrorizing by placing any physical impression on another person's private property.
   - PC §11412 - Prohibits threats of injury or property damage to interfere with a religious exercise.
   - PC §594.3 - Prohibits vandalism to religious buildings or places of worship.
   - PC §11413 - Prohibits use of explosive or destructive devices for terrorizing at health facilities, places of religion, group facilities and other specified locations.

Members should refer to the Penal Code for the full text of the statute.

C. **Hate Crime v. Hate Incident**
Hate Crimes are criminal acts based on the previously described motivation that include but are not limited to:
- Burning cross or religious symbol;
- Explosive/Bomb threats;
- Unlawful use of the mails;
- Destroying or injuring property of another;
• Assault;
• Disorderly Conduct;
• Interrupting or disturbing religious meetings;
• Homicide; and/or
• Unlawful use of the telephone.

Hate Incidents are non-criminal acts based on previously described motivation with the intention to:
• Harass;
• Intimidate;
• Threaten;
• Retaliate; and/or
• Create racial, religious, minority, or ethnical conflict.

D. **Reporting and Investigative Responsibilities**

When a member receives information of a suspected hate crime, he/she shall:
- Contact the victim(s), witness, or reporting party to investigate the matter further as circumstances may dictate;
- Notify a supervisor as soon as practical;
- Take all reasonable steps to preserve any evidence that establishes a hate crime has occurred. [Once all immediate aspects have been tended to (e.g. treatment of victims, apprehension of suspect, etc.);]
- Interview the victim(s), witness(es), and others to determine what circumstances, if any, indicate that a hate crime has occurred. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation [PC §422.93(b)];
- Consider additional assistance from detectives and other resources as needed;
- Make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations. Provide the victim(s) of any suspected hate crime with a brochure on hate crimes (PC §422.92); and
- The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney, PC §136.2 or Civil Code §52.1 as indicated).

All reports written must clearly be marked as "Hate Crime" and sent to the supervisor.

E. **Field Supervisor Responsibilities**

Upon notification of a hate crime or incident, the field supervisor shall:
- Respond immediately to the scene where personal injury or major property damage has been sustained. In all other events, the supervisor will make a determination whether an immediate response is necessary;
- Ensure that the scene is properly processed and evidence is collected;
- Visit the victims and assure them that the investigation will be actively pursued and that the police are doing everything possible to eliminate the fear factor and apprehend the suspect(s);
- Notify the ComCen and the on duty district or field commander of the situation;
- When possible, arrange for an immediate increase of patrols throughout the affected area;
- Attempt to have all visible reminders of the event removed after evidence processing is completed. When they cannot be removed (e.g., paint on walls), the member should attempt to impress upon building or property owners the need for complete restoration as soon as possible; and
- Ensure that the report of the event is complete.
F. **District/Field Commander Responsibility**
Following the reporting of a hate crime or incident, district and/or field commanders shall:

- Make personal contact with the victims, when the severity of the case dictates, to assure the victim that the event is being investigated and that the victim's safety is the Department's concern;
- Ensure that appropriate proactive tactics are implemented in the affected area as long as necessary following the incident;
- Maintain contact with affected community leaders concerning the progress of the investigation and the Department's response; and
- Ensure that victims and other concerned parties are informed of any case clearance.

G. **District Investigations Responsibilities**
The District Investigations Commander with follow-up responsibility for the incident shall:

- Ensure that the investigation is actively pursued to a successful conclusion or until all leads have been exhausted;
- Ensure that the investigation is considered a priority matter by the assigned follow-up investigator; and
- Ensure that investigative personnel make immediate follow-up contact with the victim(s) to assure them that the investigation will be actively pursued.

Hate Crime Investigator Responsibilities
The Hate Crime Investigator will be assigned from the District with responsibility for the incident and will be supervised by the District Investigations Unit sergeant. The Hate Crime Investigator shall:

- Review all hate crimes and incidents to determine if the event is a crime or a non-criminal incident, and if it was motivated by race, color, religion, ancestry, national origin, disability, gender, or sexual orientation;
- Conduct follow-up investigations as needed and submit those cases to the District Attorney’s Office for criminal filings;
- Serve as a liaison officer with the Human Relations Commission and other groups affected by hate crimes; and
- Provide the district commander with information on the progress of the investigation.

H. **Training**
All members of this department will receive POST approved training on hate crime recognition and investigation as provided by PC §13519.6.

I. **Statistical Data**
The Department shall maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Attorney General upon request pursuant to PC §13023.
When any member receives information of a suspected anti-reproductive (abortion) crime or other activity that reasonably appears to involved with this crime, the incident shall be documented consistent with Policy/Procedure §344.

A. **Violation of PC § 423.2**
   The following are violations of the above law unless committed by a parent or guardian towards his or her minor or child ward:
   - By force, threat of force, or physical obstruction that is a crime of violence, intentionally or attempts to injure, intimidate, 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;
   - By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, 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; and/or
   - 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.

B. **Reporting Requirements**
   A report will be written and routed to Investigative Services Division (ISD). An Unusual Report will also be written by the officer's supervisor.
A. **Corrective Action (Sworn members)**

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. Any supervisor may take the following corrective measures with subordinates to include:

- Oral counseling;
- Letter of counseling;
- Oral reprimand; and
- Documented oral reprimand.

**Counseling**

Oral Counseling and Letters of Counseling are appropriate when the problem is a lack of understanding of the policies, regulations, procedures, and requirements of the job rather than intentional or unintentional disregard thereof. Letters of Counseling are written documentation that the nature of the problem has been discussed with the employee.

The letter shall:

- Include a date for review with the employee,
- Be placed only in the employee's divisional file for a period of not less than 12 months;
- Be removed from the file when the problem has not continued; and
- Not refer to any future corrective or disciplinary action(s) anticipated or threatened.

**Oral Reprimand**

When a supervisor or staff member makes the decision to issue an oral reprimand, he/she shall:

- First address the employee as soon as practical; and
- Cite the reasons for the oral reprimand.

An oral reprimand may also include a warning that if the problem continues, a request for disciplinary action may result.

**Documented Oral Reprimand**

When a supervisor or staff employee intends to issue a memorandum documenting an oral reprimand he/she must:

- Have this level of corrective action approved by the employee’s district or bureau commander prior to issuing the document; and
- The request to document the oral reprimand shall be done in memo form and addressed to the employee’s district or bureau commander.

Once the documented oral reprimand has been approved by the employee’s district or bureau commander:

- It shall be returned to the employee’s immediate supervisor for service.
- This memo shall be retained only in the employee’s divisional file for a period of not less than 12 months; and
- When the problem has not continued, the reprimand shall be removed from the file.

B. **Review of Actions**

For Letters of Counseling and Documented Oral Reprimands, an employee may request a review to the next level of supervision.
After being allowed to sign the document, the employee has five calendar days to submit a request in writing to the next highest rank for a review of the action. The reviewing manager or staff officer shall determine if the facts and evidence warrant the documented action, or a modification of the imposed action.

The reviewing manager or staff officer’s decision is final, although the receiving employee may still file a written response within 30 days.

C. **Supervisors Observation Log (aka ‘Blue Sheet’)**
In the Supervisors Observation Log supervisors shall enter all counseling, reprimands, and commendations that are not documented using a more formal protocol. The employee who is the subject of the observation shall initial the entry along with the supervisor.

D. **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.

However, when such comments are in any way adverse to the employee, they shall be signed before they are entered into the employee's file. Written performance evaluations also fall under this provision, as do any other documents pertaining to training or counseling that may have an adverse impact.

E. **Acknowledgement of Adverse Entries**
When any written adverse comment is to be placed in any personnel file, the employee who is the subject of the comment shall review the document and be requested to sign it along with the supervisor serving the document. The subject employee’s signature shall only acknowledge review and awareness of the document and does not imply agreement.

Employees may refuse to sign a document containing adverse comments. In such cases, the serving supervisor shall make a notation on the signature line, documenting the refusal to sign, and shall sign or initial the notation. Sworn employees covered under GC §3305 shall also sign/initial the notation made by the supervisor.

Employees have 30 days to file a written response to any file entry, which shall be attached to and accompany the entry.

F. **Non-Disciplinary Emergency Suspensions From Duty**
Employees on non-disciplinary emergency suspensions will be carried on administrative leave, and suffer no loss of pay. Non-disciplinary emergency suspensions may include the suspension of the employee’s peace officer powers, and relieving him/her of his/her department-issued firearm(s), badge, keys and identification.

Employees receiving a non-disciplinary emergency suspension shall be required to report to their District/Bureau commander at 0900 hours on the first business day following the non-disciplinary suspension. The District/Bureau commander shall provide the suspended employee with instruction as to temporary assignment, whether the non-disciplinary suspension will continue, etc. The employee imposing or recommending the suspension shall also report to the District/Bureau commander's office early enough to brief the commander prior to the affected employee's arrival.

G. **Review of Administrative Investigations and Emergency Suspension**
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. When an administrative investigation is handled by a supervisor outside of Internal Affairs Bureau (IAB), it shall be forwarded to IAB upon completion in order to facilitate the above review process.
After reviewing the file, the involved employee’s lieutenant and captain will meet to discuss the findings of the investigation 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 any disciplinary recommendations. This meeting should occur within 10 days of receipt of the file. 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. The IAB will also provide a hard copy of the file to the employee’s captain or bureau commander. Final disciplinary recommendations will be made by the Chief of Police or division commander, who will make the final recommendation(s) and sign the Review Sheet. The Internal Affairs file, with the signed Review Sheet, will be returned to IAB.

When an emergency suspension is enacted, a written report must be submitted immediately to the Chief of Police or designee, through the chain of command (with copies to each commander), and shall contain the following information:

- The name, rank, and present assignment of the person being recommended for discipline;
- The date(s) and time(s) of the alleged misconduct and the location(s);
- The section number(s) of the Policy/Procedure Manual or other rule or law violated or the common name of the misconduct;
- A complete statement of the facts of the misconduct; and
- The written signature, badge number, and rank of the preparing employee and his/her position.

H. Notification of Pending Disciplinary Action
When an employee is to receive disciplinary action, the employee shall be notified at least ten calendar days prior to service of the order of discipline. The notification is for the purpose of allowing the employee an opportunity to respond orally or in writing to the Chief of Police or designee. The notice of pending disciplinary action shall:

- State the reason(s);
- Be accompanied by a copy of the charges and materials upon which the action is based; and
- State the employee's right to respond, either orally or in writing, to the Chief of Police or designee, as the authority imposing the discipline.

The appointing authority may impose disciplinary action without compliance with the noticing provisions of this section when the appointing authority determines immediate disciplinary action is necessary against an employee having permanent status as a result of accusations involving:

- Misappropriation of public funds or property;
- Drug addiction;
- Mistreatment of persons in the custody of the employee;
- Physical assault upon another employee or an employee of the public;
- Action which would constitute a felony; or
- A misdemeanor involving moral turpitude.

I. Appeals of Disciplinary Actions
Any employee receiving disciplinary action may appeal such action through established means per their respective MOU’s.

Any employee wishing to formally appeal a written reprimand must submit a written request to his/her Division Commander within 10 days of receipt of the written reprimand. The Division Commander will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand.

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

Additionally:
Discipline in the form of fines, suspensions, demotions and dismissals may be appealed to the Civil Service Board or to that Board through advisory arbitration. For fines and suspensions which have been imposed by the Administrative Services Division Commander, appeal to the Chief of Police is an option available in lieu of advisory arbitration or the Civil Service Board. When this option is elected there will be no further appeal to the Civil Service Board or advisory arbitrator. The employee electing this option shall execute a waiver, in accordance with the above, as drafted by the parties;

Both Civil Service and Advisory Arbitration hearings will be closed to the public unless otherwise requested by the employee; and

The filing of an appeal of discipline shall not delay the action imposed by the Chief of Police or designee.

J. Disciplinary Action Against Probationary Employees
In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet Department standards, the employee shall have no right to appeal and the following shall be considered:

- Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee’s personnel file;
- In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in Section I as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline;
- At all times during any investigation of allegations of misconduct involving a probationary officer, such officer shall be afforded all procedural rights set forth in Government Code §3303 and applicable Department policies;
- A probationary employee’s appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee’s continuation of employment;
- The burden of proof for any probationary employee’s appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence;
- In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee’s personnel file; and
- In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police.

K. Sworn Personnel
For purposes of this procedure, the terms “employee” and “employees” refer to recruits, officers, and sergeants represented by the FPOA.

L. Corrective and Disciplinary Action Matrix
The following matrix provides information on the different types of corrective and disciplinary actions that may occur and the appeal rights of the employee for each type of action.
<table>
<thead>
<tr>
<th>ACTION</th>
<th>CORRECTIVE ACTION / DISCIPLINE</th>
<th>MAY BE ISSUED/ IMPOSED BY</th>
<th>SKELLY NOTICE</th>
<th>APPEAL RIGHTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>ORAL COUNSELING</td>
<td>Corrective Action</td>
<td>Supervisor or higher level</td>
<td>NO</td>
<td>If documented or noted in any personnel file, written response within 30 days</td>
</tr>
<tr>
<td>ORAL REPRIMAND</td>
<td>Corrective Action</td>
<td>Supervisor or higher level</td>
<td>NO</td>
<td>Appeal within 5 days to next higher supervisor and/or written response within 30 days.</td>
</tr>
<tr>
<td>LETTER OF COUNSELING</td>
<td>Corrective Action</td>
<td>Supervisor or higher level</td>
<td>NO</td>
<td>see: Administrative Hearing Procedure (MOU) Respond to the Bureau Commander, final appeal to the Chief of Police, and/or written response within 30 days</td>
</tr>
<tr>
<td>DOCUMENTED ORAL REPRIMAND</td>
<td>Corrective Action</td>
<td>Supervisor or higher level</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>LETTER OF INTENT TO ISSUE LETTER OF REPRIMAND</td>
<td>N/A</td>
<td>Bureau Commander</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>LETTER OF REPRIMAND</td>
<td>Discipline</td>
<td>Bureau Commander</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>NOTICE OF PROPOSED FINE</td>
<td>N/A</td>
<td>Administrative Services Division Commander</td>
<td>YES</td>
<td>Respond to the Administrative Services Division Commander. Appeal to Civil Service Board (CSB), Arbitration (advisory to the CSB) or Chief of Police, and/or written response within 30 days.</td>
</tr>
<tr>
<td>FINE</td>
<td>Discipline</td>
<td>Administrative Services Division Commander</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>NOTICE OF PROPOSED SUSPENSION</td>
<td>N/A</td>
<td>Administrative Services Division Commander</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>SUSPENSION</td>
<td>Discipline</td>
<td>Administrative Services Division Commander</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>NOTICE OF PROPOSED DEMOTION</td>
<td>N/A</td>
<td>Chief of Police</td>
<td>YES</td>
<td>Respond to the Chief. Appeal to CSB or Arbitration (advisory to the CSB), and/or written response within 30 days.</td>
</tr>
<tr>
<td>DEMOTION</td>
<td>Discipline</td>
<td>Chief of Police</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>NOTICE OF PROPOSED TERMINATION</td>
<td>N/A</td>
<td>Chief of Police</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>TERMINATION</td>
<td>Discipline</td>
<td>Chief of Police</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

Page 5 of 5
Effective Date: 09/18/2019
A. Purpose and Scope
The Department currently utilizes two electronic tracking device systems comprised of the Electronic Tracking Systems (ETS) and the newer Electronic Satellite Pursuit (ESP) System. Both systems track money stolen from banks or other financial institutions utilizing different technologies. Additionally, ETS has an asset tracker to track stolen property. The purpose of this procedure is to familiarize officers with the general operation and response to an ETS / ESP activation. Unless otherwise noted, response procedures shall pertain to both systems.

Confidential Nature
Members SHALL NOT discuss or divulge any aspect of the ETS / ESP system operation with non-law enforcement personnel.

System Overview
The ESP system, a product of the 3SI company, is a satellite-supported global positioning system (GPS) used to track money stolen from banks or other financial institutions. The ESP system provides web-based GPS information about the location of the tracking pack generally included in money stolen from banks. The information is updated every six seconds by up to eight satellites and also utilizes cell tower data and radio pulses when GPS is unavailable. Information displayed on the 3SI website includes direction of travel, speed, accuracy, time lag, contact information, and type of activation (teller or vault). There is no equipment installed in Department vehicles and all activations/updates are dispatched through the Communications Center (ComCen).

The ETS system is similar in operation but utilizes a radio-frequency transponder unit and it is tracked using strategically placed radio towers, vehicle mounted tracking units, and handheld tracking devices.

B. Equipment Issuance and Maintenance
Only properly trained members are responsible for removing, replacing, or aligning tracking units in designated ETS vehicles. The supervisor shall ensure that ETS equipped units are designated on the policing area vehicle status board and that when tracking equipment is removed from one vehicle to another the vehicle status board reflects the change.

District commanders are responsible for maintaining an accurate and current inventory of ETS equipment assigned to their district.

Deployment of ETS Units
Patrol supervisors are responsible for ensuring that ETS units are deployed daily to designated sectors and that ETS equipped vehicles are properly designated in unit log on information.

Officers operating ETS equipped vehicles shall log on using a "T" designator along with their detail number to designate the unit as an ETS equipped vehicle.

ETS Component Maintenance
Any ETS equipment (including vehicle) which appears to have malfunctioned should be reported to the City radio shop. Members shall not attempt to adjust the THRESHOLD or PHASE BALANCE screws on the receiver unit.

Vehicle Out of Service
When an ETS vehicle is out of service for any reason, the ETS display and receiver will be removed and installed in a secondary ETS vehicle by the officer issued the vehicle.
ESP Handheld Tracking Beacon

One (1) ESP handheld tracking beacon will be kept in the Duty Office for field use in the event of an ESP tracking event. It can be used to isolate/pinpoint the final track point. It receives the radio signal pulsating every one second from the track pack.

C. Officer Responsibility

Officers assigned to an ETS equipped vehicle shall inspect the tracking equipment at the beginning of their shift by:

- Monitoring the self test sequence on the mobile display;
- Checking the phase alignment by aiming the front of the vehicle at the station signal monitor;
- Checking the pocket tracker by observing the self test in station signal monitor; and
- Notifying the supervisor of any equipment needing repair.

D. Response to ETS / ESP Activation

ETS / ESP Monitor Alert

When an Emergency Services Dispatcher (ESD) receives an ETS / ESP alert display on the monitor he/she will wait 10 seconds, then will attempt to reset it. When the alert discontinues and does not re-alert, a possible false alarm has occurred and no further action is necessary.

When the alert continues after being reset, a probable robbery exists and an ETS alert (211T) or ESP alert (211E) shall be declared. An ESD shall then:

- Be assigned to coordinate the radio traffic and monitor the ETS / ESP console on a designated radio channel;
- Notify ETS equipped patrol units and the area supervisor by radio that a 211T is in progress including which area is hot and what radio channel will be used for the operation;
- Deploy ETS equipped units to priority locations as needed;
- Notify the air support of the 211T;
- Work with the controlling supervisor and the primary unit in directing assisting units to appropriate locations to intercept a hot tag; and
- Notify neighboring law enforcement jurisdictions, which may be affected by the track.

Controlling Supervisor Response

The controlling supervisor of an ETS / ESP event is determined through normal supervisory assignment criteria (i.e., location of track, availability, etc.) After assuming the role of a controlling supervisor, the supervisor will remain in that capacity until the completion of the track.

The controlling supervisor is responsible for:

- Ensuring that only necessary units are utilized during the track. Only ETS equipped units should normally respond to an ETS alert but any unit may respond to an ESP alert. Non-ETS equipped units should remain in their sectors and respond only at the direction of the controlling supervisor;
- Coordinating the response of all units including coverage of escape routes, keeping the ComCen notified of developments, etc;
- Directing the tactical plan when suspect(s) reach a destination; and
- Preparing an Unusual Occurrence Report on the incident dispatched to obtain descriptions and other pertinent details which shall be broadcast as soon as practical;

Field Unit Response

Accidental alerts do occur. However, when 15-30 seconds have elapsed and a signal is still being received by an ETS equipped unit, it should be treated as a valid robbery in progress signal.

When an ETS alert is monitored first by an ETS equipped unit, that unit will be primary and shall advise the ComCen of the:

- Alert,
Approximate location and direction of travel of the tag; and

Necessary coordination of responses by additional ETS equipped units.

The activation of a mobile unit will be treated as a priority "0", Officer Needs Assistance call by the ComCen.

Involved ETS equipped units shall comply with the following tracking protocols when possible:

- When an ETS equipped unit is on a call at a time when a 211T is broadcast, the unit may break from his/her current call only upon approval of the ESD;
- Generally when a business is equipped with ETS Tags and a signal from a "hot tag" is apparently coming from inside the business, it shall be handled in the same fashion as a silent hold up alarm;
- Attempt to triangulate the location of the tag;
- When the suspect reaches a destination, the responding units shall attempt to initiate contact in a coordinated manner. Whenever possible, the supervisor/officer in charge should develop a tactical plan to effect the entry and arrest;
- Inform the ESD on all aspects of an in progress track;
- When a suspect(s) and/or tag is located and taken into custody, the bill pack containing the tag should be deactivated as soon as possible. This shall be done out of sight of the suspect(s) and the public;
- The business where the tag or originator should be contacted as soon as possible after it has been identified;
- The bill pack and transmitter are collected as evidence; and
- Have the suspect(s) be transported in a non-ETS equipped vehicle in order to maintain system security. The apprehension process is not to be discussed with the suspect(s).

E. ETS Priority Locations

The following five locations have been designated as priority ETS locations. When there is a 211T activation, the ComCen should dispatch ETS equipped units to appropriate locations to ensure the highest probability of intercepting a hot tag. These include:

- Hyde Park, at top of hill (Thorne & Florence);
- Freeway 41 at Highway 180 interchange;
- Chestnut/Kings Canyon;
- Herndon/Freeway 41; and
- Ashlan/Freeway 99 (overpass).

There are seven secondary locations to which the ComCen may direct other available ETS equipped units as they become available and as necessary. These include:

- Jensen/Freeway 99 (overpass);
- Freeway 41/Between O Street and Van Ness off ramps;
- McKinley/Maple;
- Cedar/Shaw;
- Freeway 41/Shields (overpass);
- Shaw/West; and
- Clinton/Freeway 99 (overpass).

F. False Alarms

Users who accidentally activate the ESP / ETS for more than 30 seconds are required to contact the Department to advise of the false activation. ComCen shall dispatch a patrol officer to the location of a reported accidental activation to verify the report.

ComCen shall notify Clovis PD of any ETS signal originating in their city.
When necessary, an ETS trained officer will respond to a user location to determine the origin of the false trip. It may be necessary to use a pocket tracker to determine which bill pack is activated when a user reports they have not had a robbery, but the system is still activated. Once the procedure is accomplished by the officer, he/she shall have ComCen enter the details into the CAD event and a printout of the event shall be forwarded to the Robbery/Felony Assault Supervisor.

False Alarms

ESP / ETS users are exempt from requirements of the City false alarm ordinance on ESP / ETS incidents only. Users must still comply with ordinance requirements as they apply to any other alarm system they might have.

G. Documentation of ETS / ESP Use

When the ETS / ESP tracking equipment provided the only probable cause leading to the arrest of suspect(s), that information will be documented in the CR. All other information regarding the ETS / ESP equipment and specific details of how the system was used shall not be included in the CR.

H. Multi-Jurisdictional Incidents

When it appears that a track will enter Clovis, the ComCen will notify Clovis PD dispatch and provide current information regarding:

- Approximate location of the track and direction of travel;
- Suspect and vehicle description, type of offense, and weapons used;
- Number of trackers involved in operation;
- The terminus of the track and disposition of suspect(s); and
- The need for assistance from their units.

When Clovis initiates a track that may move into Fresno, units will be notified city-wide. The initiating agency in multi-jurisdictional incidents has primary responsibility for and operational control of a track. It is also responsible for the handling of all arrestees resulting from the tracked event.

I. Training Exercises

Before commencing any training exercise, the ComCen shall be notified. The ComCen shall then announce on all applicable frequencies that the signal about to be transmitted is a training exercise.

J. Liaison Officer

A member will be designated by the Department who is responsible for:

- Acting as liaison between participating businesses, the Clovis Police Department, the City Communications Services Division, the Department, 3SI Security Systems, and ETS Systems;
- Providing the ComCen with a current list of participating businesses;
- Maintaining training kits;
- Coordinating training of new members through the PTO program; and
- Providing ComCen with a current list of ETS equipped vehicles.
A Crime Report shall be prepared whenever any reported crime has been committed or is logically suspected of having been committed in the City.

A. **Report Completion**

All police reports should be completed legibly and submitted for approval at the end of the duty shift on which the initial incident was handled by the reporting member. When reports cannot be completed prior to the end of a member’s duty shift, the report(s) shall be completed during the member’s next duty shift.

Before leaving at the end of the shift, members shall complete and submit for supervisory approval all reports which involve:

- Part One and possible Part One offenses
  - Homicide;
  - Rape;
  - Robbery;
  - Aggravated Assault *
  - Burglary;
  - Larceny;
  - Motor Vehicle Theft;
  - Arson;

- In custody, cited, or identified suspects;
- Solvability factors which would require immediate action by a follow-up investigator;
- A missing person;
- Incidents which have generated an Unusual Occurrence Report;
- A WIC §300 placement; or
- Crimes of violence or hate incidents.

* The definition of “Aggravated Assault” for Uniform Crime Reporting purposes is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily injury.

B. **On Duty Report Writing**

Field members are to come in service from a call as soon as they have completed their preliminary investigation.

- Reports are not to be written while still out on the call.
- When there are no priority calls holding in their district, field members may put themselves out "report writing" without having to consult with the ComCen.
- Consistent with other dispatching protocols, ESD’s should allow field members to report write when no priority calls are holding in their district.

When permission has been granted by a supervisor, members may remain out of service to write reports on major investigations (e.g., homicides, fatal vehicle collisions, etc.) In such cases, a member who is report writing shall not be dispatched on calls without the approval of a field supervisor or, district commander or field commander.
C. **Dictating**

Report narratives may be dictated when the narrative, if handwritten, would exceed one single spaced page and:

- The incident is a felony; or
- The incident is a misdemeanor with suspect(s) in-custody; or
- The report is of a sensitive or unusual nature (permission to dictate must be given by the member’s supervisor).

Dictated reports shall be submitted to the Records Section immediately upon completion.

When dictated reports are returned for review/correction, they shall be reviewed and if necessary corrected prior to the end of the member’s next duty shift.

The name of the supervisor approving dictation shall be listed following the "Narrative Dictated" notation described below.

The only material authorized for dictation is that which can be documented on narrative pages. No forms other than narrative pages may be dictated.

When the narrative is dictated the words: "Narrative Dictated" shall be clearly indicated at the start of the report following the listing of all persons involved.

D. **Synoptical Report**

Use of the Synoptical Report is limited to the following categories:

- WIC §5150 committals (see Procedure §418);
- Theft (except vehicles, vehicle burglary, license plates, firearms, and checks) and vandalism (except graffiti cases);
- Noise complaints when documentation is requested and no arrest is forthcoming;
- Telephone offenses except where an immediate threat to life exists;
- Lost property (except checks);
- Found property/contraband;
- Property stored for safekeeping not related to an incident otherwise requiring a report;
- Courtesy reports except those mandated by law (e.g., missing persons) or those involving person related felonies;
- Misdemeanor hit and run with no suspect or suspect vehicle information;
- Industrial accidents involving injury;
- Animal complaints, except bites involving special circumstances;
- All other misdemeanor crimes;
- Illegal dumping;
- Citizen requests for documentation relating to disturbances in which no crime has occurred;
- Suspected child abuse, neglect or endangerment where there is no one at the location, or where the investigating officer determines that the case is unfounded;
- Non-crime incidents where juveniles are involved but are not cited or arrested, including:
  - Reprimand and release without any further police action;
  - Disturbance; or
  - Detention with later release to a parent.
- Death involved the End of Life Option Act:
  - Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code §443.14);
  - Whether an individual knowingly altered or forged a request for an aid-in-dying drug or concealed or destroyed a withdrawal or recession of a request for an aid-in-dying drug (Health and Safety Code §443.17); and/or
  - Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug (Health and Safety Code §443.17)
A CR 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.

**Synoptical Report Content**
- Identifying information on the parties involved (i.e., name, race, sex, DOB, address, and phone numbers);
- All property should be listed in the property section of the report and described in as much detail as available. Stolen property shall have an estimated value included; and
- A detailed synopsis of the incident being documented. The synopsis should be thorough enough to allow for an upgrade of the Synoptical Report to a Crime Report.

**Explanation to RP’s**
The Synoptical case number will be given to the RP prior to clearing the call.
- The RP will be advised that the case number is documentation of their call and no further action shall be taken unless additional information is obtained.
- The RP should be instructed to keep whatever level of formal documentation they desire along with the original case number.
- Should the RP provide additional pertinent information at a later date, such as suspect and/or serial number information, an event will be generated to permit appropriate follow-up.
- Copies of the Synoptical Report printouts may be obtained from Records.

**Follow Up**
When an event, in which a Synoptical Report was completed, generates a Supplemental Report, the member who completes the Follow-up shall upgrade the case to an original Crime Report.

**E. Electronic Probable Cause Declaration (ePCD)**
The ePCD is also known as the Fresno County Law Enforcement Warrantless Arrest Declaration. The ePCD is used to document the probable cause for an arrest of a named suspect and shall be completed when:
- A juvenile is booked into JJC without a warrant on felony or misdemeanor charges; or
- An adult is booked into FCJ without a warrant on felony or misdemeanor charges, excluding PC §647(f).

Officers shall utilize the Fresno County ePCD system (https://epcd.fresno.courts.ca.gov) to:
- Create a new ePCD and/or edit a previously started ePCD;
- Submit a ‘Not In Custody’ (NIC) ePCD for at-large suspect’s for supervisor review/approval;
- Submit an ‘In-Custody’ ePCD for judicial review/approval at the time of booking;
- Complete a previously submitted NIC ePCD when an arrest is made;
  - Requires ePCD to be reviewed/approved by a supervisor prior to judicial review/approval.
- Edit/correct ePCD’s returned for additional information by a supervisor or reviewing judge; and
- Monitor the status of ePCD’s previously submitted for supervisor or judicial review/approval.

**Narrative**
The narrative of the ePCD shall be a synopsis of the report details and articulate:
- The facts that support probable cause for detention or other contact that subsequently lead to the discovery of a crime;
- The basic elements of the crime for which the arrest is made; and
- How the suspect was identified and connected to the crime(s).

**At-Large Suspects**
A NIC ePCD shall be completed and submitted for supervisor review/approval for named, at-large felony suspects. When a wanted suspect is arrested, the NIC ePCD will be retrieved by the arresting officer, completed, and submitted for judicial review/approval at the time of booking.
In-Custody Suspects
An ePCD shall be completed by the arresting officer and “saved” in the Fresno County ePCD system. The arresting officer shall advise the on-duty supervisor that the ePCD is completed and awaiting review. The supervisor will review the in-custody ePCD as soon as practical. Upon approval, the supervisor will advise the arresting officer to submit it to Superior Court for judicial review. The arresting officer shall promptly submit the ePCD to the Superior Court.

Hospitalized Suscepts
In the event a suspect in custody on a felony charge is subsequently placed on a hold under WIC §5150, the arresting officer will complete a NIC ePCD. (see Procedure §418)

In the event a felony suspect is going to be admitted to the hospital and the on-duty PIO Field Commander has approved the prisoner standby, the arresting officer shall complete and submit an in-custody ePCD following the arrest but no later than the end of the shift. (see Procedure §355)

Rejected ePCDs
The Duty Office will assume responsibility for tracking rejected in-custody ePCD’s. When a judge rejects an in-custody ePCD, the Duty Office and the officer will receive an email notification. When the officer is still on-duty, the Duty Officer will contact him or her immediately to make necessary corrections and resubmit the ePCD.

When an ePCD is rejected and the officer is off-duty, the Duty Officer will determine whether or not the officer will be returning to work before the 48 hour ePCD deadline expires:

- When the officer is scheduled to return to work before the 48 hour deadline, the Duty Office will contact the officer upon his or her return to work and ensure he or she is aware of the need to correct and resubmit the ePCD;
- When the officer is not scheduled to return to work before the 48 hour ePCD deadline expires, and it appears the ePCD expiration will result in the premature release of a suspect; the Duty Officer will contact the officer while he or she is off-duty. The officer has two options:
  - Access Fresno County ePCD system remotely to correct and resubmit the ePCD (without responding in person); or
  - Respond in person to make the corrections and resubmit the ePCD.

H. Property
Members shall list any property that is lost, stolen, found, or booked for safekeeping in the property section of the report in RPW. Any property booked as evidence with a serial number or owner applied number shall be listed in the property section in RPW. When the property has a serial or owner applied number, the member shall forward the property information to Teletype through RPW for entry into CLETS.

The Burglary/Theft Form may be used to document additional information about already reported stolen items (e.g., serial numbers) or to report property not known to be stolen at the time of the original investigation and the victim’s identifying information. The Burglary/Theft Form will be provided to the victim (either in person or by mail). The Burglary/Theft Form Letter may be submitted by the victim by mail or the victim may add the property information by completing a supplemental report through the online reporting system.

I. Telephonic Reporting
The following types of calls may be handled telephonically:
- Petty theft (including bicycles);
- Grand theft;
- Vehicle theft;
- Vandalism;
- Lost property;
• Out of jurisdiction missing person;
• Walk away from board and care facility;
• Runaway juvenile from a group/foster home (12 years of age and over);
• Threatening phone call;
• Courtesy report for out-of-town agency;
• Prior disturbance;
• Violation of restraining order;
• Follow-up information on prior cases;
• Prior hit and run accident; and
• Calls approved by a supervisor.

Exceptions
The calls listed above shall not be handled telephonically when:
• There is a suspect in custody;
• There is a probability of immediate apprehension of a suspect;
• An involved party is in immediate physical danger;
• There are exigent circumstances which require the physical presence of a member (e.g., excessively high value of loss, potential witnesses in the area, etc.);
• A prior disturbance or restraining order violation involves domestic violence;
• There is a probability of recovering usable evidence; or
• The property being reported could be either lost or stolen, and the serial number is not known at the time of the report. This includes serialized City of Fresno trash cans. The victim is to be advised to complete their own report via the Internet, or by responding to Police HQ, or any District Station open to the public.

J. Multiple Offenses
When there is a separation of time and place between the commission of several crimes, each of the crimes should be handled and reported as separate incidents and each will be reported as a separate case.

When a review of the facts indicates conclusively that several crimes have been committed during the course of one distinct combined operation, only one report shall be prepared to report all of the crimes.
  • A single report shall be used to report several counts of the highest offense occurring at the same time and at the same place, and it shall also document all lesser Part I and Part II offenses.
  • The one report may include several businesses and/or persons as victims.

Exception: These rules do not apply to a series of vandalisms or vehicle burglaries involving separate victims. These crimes will be reported as separate offenses on separate reports.

K. Personnel Changes
Prior to promotion, separation or change of assignments, personnel are required to review the report writing system to assure that all reports that are pending approval or incomplete have been completed approved and submitted to records.

L. Supervisor Responsibilities
Supervisors shall check all reports holding in their assigned shift team box immediately after briefing and before logging off.

When a supervisor is assigned to work in a district/unit other than his/her primary assignment (being loaned) the supervisor shall check all reports holding in the shift team box of the district/unit they were loaned to immediately after briefing and before logging off.
There may be circumstances where a supervisor may not be able to check all reports holding and those situations may include but are not limited to a supervisor’s response to a critical incident or a Department member requesting a supervisor’s presence in the field.

**ePCD Review/Approval**

Supervisors shall check and review all NIC ePCD’s in Fresno County ePCD system completed by officers in their District/Unit. Supervisors shall notify the submitting officer when an ePCD is in need of correction.

Supervisors shall review all in-custody ePCDs prior to their submission to Superior Court. When an ePCD is in need of correction, the supervisor will notify the submitting officer as soon as practical to attempt to have the ePCD is corrected and re-submitted prior to the officer logging off. Once approved, the supervisor shall submit it to Superior Court.

**M. Report Corrections/Modifications**

When a report requires correction or modification, the originating officer should make the changes. Prior to a report being reviewed and closed, supervisors and record clerks may make minor corrections to check boxes or involvement codes to expedite report approval and the processing of teletype entries. They shall not make changes to the narrative.

Once a report has been audited and closed, only a Records Supervisor/Manager can reopen the report for changes. The originating officer can make changes as long as the report has not been distributed. The officer’s supervisor must respond with the officer to Records to supervise the changes. Once the corrections have been made, the report will be immediately closed. The officer must complete a supplemental report documenting the changes and the supervisor’s name. If the report has been distributed, changes cannot be made and the officer must submit a supplemental report to document the errors in the original report.

The Records Manager may make modifications to closed reports when there is a requirement for the correction. The Manager will create a supplemental report to document all changes and the reason for the changes. These changes would be initiated based on information from the Court, DA, and/or Detective (e.g. updated suspect identification, court order, Penal Code requirement, etc.).

When the originating officer is no longer employed by the Department and has open reports, the reports may be modified to allow for report access and closure. A note will be added to the report to document what changes were made, the reason for the changes, and who made the changes.
A. **Member’s Duties Before Fire Department Arrival**
Members who arrive at a fire before the FFD should, if it can be done with reasonable safety, attempt the rescue of injured or trapped persons. Any occupied building on fire should be evacuated until FFD officials permit re-entry. If the fire appears to be the result of any criminal event or police action, members shall advise ComCen. If it is apparent that the scene is not safe for FFD and/or EMS personnel, ComCen shall notify them of the circumstances.

B. **Member’s Duty After Fire Department Arrival**
The member’s primary duty after arrival of the FFD is to prevent interference with (PC §§ 148.2, 402, H&S § 13006 a-d) or injury to (PC §§ 240 and 245.1) fire personnel, and equipment (VC § 21708). The officer in charge of the police response to a fire scene shall immediately contact the FFD Incident Commander and determine what assistance members can provide and coordinate the Department’s response to the incident.

C. **Closing Area**
The authority for closing an area during a fire is found in PC § 409.5. Upon request of the fire official in charge, members shall close the fire area and/or divert traffic in such a manner as to allow a minimum of congestion and maximum freedom of movement by FFD personnel and equipment (VC §§ 2812, 21707).

D. **Use of Barricades**
In more serious fires, barricades and warning flashers may be used in order to more effectively close an area and best utilize available members. Members who need barricades and flashers shall advise the ComCen of the number and type needed and the location where they should be delivered. The ComCen shall contact the appropriate City department for delivery of the barricades to the specified location.

E. **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 § 346.

F. **Authority of the Incident Commander**
The ranking member of the FFD at the scene of a fire is the Incident Commander.

Members shall comply with his/her orders or instructions at all times. When an order of the Incident Commander is contrary to the provisions of this Manual or other Department policies or procedures, the member shall obey the order and notify his/her supervisor immediately.

G. **Supervisor at Scene of Fire**
A supervisor and a district or field commander shall be dispatched to the scene of any major fire or disaster.

H. **Post-Fire Security**
The FFD has primary responsibility for locating an owner or person responsible for burned premises.
When the ComCen cannot locate an owner or responsible party, FFD personnel shall be responsible for notifying the ComCen when security is required at the scene. Upon receiving such notification, the ComCen shall contact a private security firm to secure the scene.

I. **Reporting Observed Fires and Alarms**
On-duty members who discover a fire or locate an activated fire alarm shall immediately notify the ComCen and give the location and a description of the size and type of fire/alarm observed. The ESD receiving the notification shall ensure that the appropriate fire dispatching entity is notified.

Members who locate a recent fire that has been extinguished where the FFD has not been notified, shall notify the ComCen of the circumstances so that appropriate fire personnel may be dispatched to investigate and to ensure that the fire has been properly extinguished.

J. **Reporting of Fire Hazards**
Members detecting a fire hazard or potential fire hazard shall notify the ComCen of the location and nature of the hazard. The ESD receiving such notification shall contact the appropriate fire dispatching entity for action.

K. **Arson Investigations**

**Initial Investigation**
The FFD may dispatch a fire investigator to the scene of fires of suspicious origin in the City, only upon recommendation of the Incident Commander. Members should consult with the Incident Commander regarding the need for arson investigator response. The primary responsibility for investigating the incident and preparing the initial crime report on all arson fires rests with the FFD arson investigator.

*Exception:* When it is determined that another crime is involved (e.g., burglary, homicide, vehicle theft, etc.) the primary member shall investigate and have primary reporting responsibility. When dispatched upon recommendation of the Incident Commander, the fire investigator will prepare any supplemental report deemed necessary after consultation with the primary investigating member at the scene. Any supplemental report prepared by the FFD fire investigator will be limited to the specific details of the arson investigation.

**Scene Preservation**
When a fire has been extinguished and it has been determined that arson may have been involved, the FFD may turn crime scene security over to the Department which shall assume responsibility for preservation of the scene.

When it appears that long term security will be required, a private security firm may be contacted to relieve the member(s) preserving the crime scene.

**Fire Bombs and Incendiary Devices**
Members shall request notification of fire investigators when any incendiary devices have been discovered, and shall assist the fire investigator as requested.

Fire investigators shall complete a crime report and handle all evidence and materials when they respond to a call. When a fire investigator is not available, members are responsible for completing a crime report and handling all evidence and materials.

When the device is still active and presents a possibility of igniting or exploding, the EOD Team shall be notified.
A. **Sexual Assault Investigations**
Members shall attempt to obtain as much information as possible from victim/witness/suspect statements and list information which would enhance evidence collection. Members shall:

- Complete a report regardless of the intent of the victim;
- Provide all sexual assault victims with the Victim's Information Form (PC §264.2(a) and §13701);
- Provide the Sexual Assault Investigative Letter containing their name, badge number and case number;
- Check for any video/or electronic evidence; and
- Determine the location of occurrence and make appropriate arrangements to process it.

B. **Sexual Assault Forensic Examinations (SAFE)**
A sexual assault forensic examination kit should be used in all rape and sodomy cases within five days (120 hours) of the crime and oral copulation cases when the elapsed time since the crime is less than three days (72 hours). This applies even when the victim has washed, douched or is on a menstrual period. If the type of sexual assault requires a forensic examination or the victim requests one be performed, officers shall authorize the examination.

In instances where an officer feels the incident does not warrant a sexual assault examination, the officer will advise their supervisor who will contact a Sexual Assault Unit (SAU) supervisor for direction. The SAU supervisor will make the final determination if a sexual assault kit will be completed.

**Location of Examination**
Victims/Suspects who need or request medical treatment shall be transported to an appropriate medical facility such as Community Regional Medical Center (CRMC) or Valley Children’s Hospital (VCH) if under 18 for medical treatment and a sexual assault forensic examination. This shall be facilitated via private vehicle, taxi, police vehicle, or ambulance when appropriate.

Victims/Suspects who do not need/request medical treatment shall be transported to Forensic Nursing Specialists of Central California (FNSCC) at 7025 N. Chestnut Ave. Suite 103 for the sexual assault forensic examination. The officer requesting the examination shall notify FNSCC at (559) 324-9100, advising of their pending response. Members shall assist victims in arranging transportation to FNSCC via private vehicle, taxi, or police vehicle. Ambulance will not transport to FNSCC.

Prior to transport, the transporting member should notify ComCen of the transport to the medical facility or FNSCC. Once the member arrives, they shall advise ComCen to notify Resource Center for Survivors (RCS) (PC §264.2(b)(1)).

C. **Evidence Collection**

**Clothing**
Clothing worn at the time of the examination will be collected by the forensic nurse. All other clothing evidence should be collected and booked by the investigating officer.

**Victim Kits**
When it is determined a sexual assault kit needs to be completed on a victim, the officer investigating the sexual assault will respond to the location conducting the examination and brief the forensic nurse on the details of the assault (providing specific details) to enhance the collection of evidence, and authorize the examination with his/her signature.

- Officers shall remain at the location with the victim until they are able to brief the forensic nurse.
- The officer will also request the forensic nurse to take a blood and/or urine sample that can be sent to CVT for a toxicology analysis. This should be done on adult cases whether or not the victim talks about alcohol or drug use.
- Once officers have briefed the forensic nurse, they may clear the call unless additional investigation is required.

**Suspect Kits**

When it is determined that a sexual assault kit needs to be completed on a suspect, the investigating member will transport the suspect to CRMC, VCH, or FNSCC and request a forensic nurse for a sexual assault examination.

- The investigating member will brief the forensic nurse on the details of the assault (providing specific details) to enhance the collection of evidence and authorize the examination with his/her signature.
- Two members (gender appropriate) will stand by the suspect while the forensic nurse completes the sexual assault examination, and maintain custody of suspect.
- Officers will confirm that the forensic nurse collects a third vial of blood for blood/alcohol testing on adult suspects. This vial will not be placed in the suspect sex kit. The third vial will be booked at HQ in the evidence box for CVT testing.

**Photographic Evidence**

**Intimate Photos** - Any injuries occurring in intimate areas will be photographed by the forensic nurse during the sexual assault examination. When the victim of a sexual assault (e.g., sexual battery, attempted rape) did not undergo a sexual assault examination, but photographs are still needed of intimate areas, they shall be taken by a same sex Crime Scene Investigation Section technician. Intimate victim photos will not be taken in the Crime Scene Investigation Section (CSIS), but will be taken in a private setting such as the victim's home, CRMC, VCH, or FNSCC. When a same sex CSIS technician is not available, the follow-up detective will make arrangements for a same sex CSIS technician to take injury photographs.

**Non-Intimate Photos** can be taken by a male or female technician if they were not taken during the sexual assault examination. Officers should consider the value of taking photos that show the victim/suspect does not have visible injuries. Victims have the right to have an advocate present while being photographed.

When a victim refuses to be photographed, investigating members should attempt to gain their cooperation by stressing the importance of the evidence to the successful prosecution of the case and by fully explaining all photographic procedures and measures taken to ensure privacy.

**D. Investigative Assistance / Detective Call-Out**

**Mandatory Notifications**

Members shall contact their supervisor while investigating sexual assaults which involve any of the following circumstances:

- Sexual Assault involving serious injury in which immediate follow-up investigation is needed;
- Rapes where the suspect is a stranger, and there are investigative leads, which require immediate follow-up;
- Child molest involving serious injury;
- Offenses which are part of a recognized pattern of criminal sexual activity; or
- Prior to questioning out of custody suspects (detectives may want to utilize a pretext call or other investigative technique in furtherance of the investigation).

Supervisors will then contact the SAU Supervisor who will determine the need for response or involvement by a detective.

When the primary officer places the suspect on the DCB as an arrestable suspect, the officer shall send an email to the SAU Supervisor advising of such action.
Arrest of Felony Sexual Assault Suspects

When officers arrest a felony sexual assault suspect on open charges, they shall notify a SAU supervisor of the arrest and booking via phone or email. Officers will provide the name of the arrestee and case information.

E. Responsibilities

SAFE Nurse Duties:
- Complete the sexual assault examination and collection of evidence (to include the clothing worn by the victim/suspect at the time of the examination;
- Draw blood for toxicology analysis on adult cases;
- Complete a "Forensic Medical Report: Sexual Assault Victim/Suspect Examination;
- Fax a copy of the medical report to the Department's Family Justice Bureau at (559) ;
- Maintain and document the proper chain of custody of the evidence; and
- Arrange for pickup, thru FPD’s Communication Center.

ComCen Duties:
- When a medical facility, (FNSCC, CRMC, VCH) requests the pickup of a sexual assault kit, a SAU supervisor shall be contacted. In the event the Fresno County Coroner’s Office request the pickup of a kit, dispatch shall contact a Homicide unit supervisor.

Sexual Assault Unit/Homicide Supervisor

Once advised of the request to pick up a sexual assault kit from a facility, the appropriate unit supervisor will assign a unit detective to pick up the kit.

Victim Sexual Assault Kit Collection from Family Healing Center:
The detective designated by the SAU supervisor shall:
- Collect the sexual assault kit, medical report, and related evidence from the forensic nurse/administrative assistant;
- Shall respond directly to the PECS warehouse and book the kit;
- Book the CD into evidence and place in a locker at HQ;
- Book the toxicology blood into the CVT locker;
- Turn the medical report into Records, ensuring the FPD case number is written in the top right corner; and
- Document the chain of evidence in a supplemental report.

Sexual Assault Kit Collection from Other Medical Facility and Suspect kits from Family Healing Center

The detective designated by the SAU sergeant shall:
- Create a FileOnQ entry to establish chain of custody;
- Transport the kit directly to the California Department of Justice Bureau of Forensic Services Laboratory (5311 N. Woodrow, Fresno, CA); and
- Take evidence not contained within the sealed sexual assault kit box to PECS and book it.

The detective will verify with lab personnel if there are any kits which are to be transferred back to Department custody. If kits are collected from the lab, the detective shall transport the kits directly to the PECS warehouse for booking.

Exception: When the kit is related to a homicide investigation, the Homicide Unit supervisor shall direct its pick up, testing, and booking.

F. Booking of Sexual Assault Evidence

- The large white box (main Sexual Assault kit) should be listed as your first item.
- The small white box containing the victim/suspect blood sample should be listed as the second item. If you were not given a small blood vial box, please secure the vials with bubble wrap and then place them in a 5x7 envelope.
• Any bags/boxes of clothing should be listed as separate items in successive order following the above (Item 3, 4, 5, etc.). Make sure your description denotes whether the item is from the Victim or the Suspect.

Note: The above listed 3 items SHOULD be listed on the same page. (Make sure to group Suspect and Victim items together. Each item should have a SEPARATE label.)

• These items are then to be placed in a locked container in the evidence refrigerator. The original Property & Evidence Report (PER) should be locked in the container with the evidence. (If the PER is placed on top of the container, there is a chance it will become wet and damaged due to condensation. If you forget to place in the container, place it in the Slot Locker in room 15.)

• If you have any blood/urine samples that need to be analyzed at CVT, those samples MUST be listed on a SEPARATE page. The samples are to be labeled and placed in the Blood/Urine Locker (along with the original PER) inside the HQ booking room. DO NOT place sample for CVT in the refrigerator.

• If you were given a photo CD by the hospital, the photo CD should also be booked on a SEPARATE page. It should be booked in a 5x7 or 10x13 envelope and placed in the HQ booking room Slot Locker (along with the original PER). DO NOT book CD’s in the refrigerator, as this can damage them.

• The Hospital Medical Report is NOT to be booked or left with the evidence. All medical reports are to be turned into the Records Bureau.

• Sexual Assault Kits (medical box from facility) shall be booked separately from other related items and shall not be placed in any other box.

Any questions can be directed to a Property Tech at 621-2675. Messages can be left after hours.

G. Sexual Assault Kits-DNA processing:
Once the SA kit is booked it will be responsibility of the PECS to notify the SAU supervisor of the number of SA kits held in evidence. The SA unit will complete the DOJ form and attach the required reports, so the SA kit can be sent to DOJ within the 20 day requirement. (Penal Code §680)

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned SAU detective shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code §680.3)

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned detective shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code §680(d)).

Exception: When a SA kit has been collected in conjunction with the Department of Justice Crime Lab’s Rapid DNA Testing Service, the SA kit will only be sent to DOJ at the direction of an SAU detective or supervisor.

H. CPS Notification
When the initial investigating officer of a suspected child sexual assault case concludes that an offense has occurred and the officer has decided to place the minor in protective custody pursuant to WIC §300, the officer shall contact CPS to request a social worker respond to handle placement. Members shall confer with CPS to properly assess the circumstances of their investigation.

In those cases where the investigating officer determines the minor does not require protective custody placement, or otherwise would not normally be in contact with a social worker, a telephone report shall
be made to CPS by the investigating officer before clearing the call. This telephone report shall include the following information:

- The member's name;
- The name of the juvenile;
- The location of the juvenile;
- The nature and extent of injury, if any;
- Information that led the member to suspect the child was sexually assaulted; and
- Any other information requested by CPS.

The member shall include in his/her report that CPS was advised of the case, the time of notification, and to whom the information was given. In addition to the telephone notification, a written report is required to be forwarded to CPS within 36 hours of the time the Department received the reported sexual assault [PC §11166(k)].

I. **Information Confidentiality**

PC §293 and Government Code §6254(f)(2) address the confidentiality of information regarding sexual assault victims. When utilizing RPW for report completion, officers shall mark the “Confidential” box under ‘Case Factors’ and the ‘Name’ tab for the victim(s).

J. **Maintenance and Destruction of Sexual Assault Kits**

Sexual Assault (SA) kits shall be stored and may be destroyed in accordance with the following:

- Pursuant to PC § 680(e)(2), SA kits for unsolved crimes must be kept at least 20 years (adult victim) or until a minor victim’s 40th birthday.
- SA kits involving convicted suspects should be maintained in evidence storage until such time as the suspect has completed their penal sentence and are no longer in custody;
  - **Exception:** While in custody, when authorization to dispose of the SA kit is obtained by Department personnel through the process outlined in PC §§1405 and 1417.9, the SA kit may be disposed according to law.
- In cases where there has not been a conviction, SA kits may be destroyed at the expiration of the Statute of Limitations (SOL) as set forth in Penal Code §§801.1(a), 801.1(b), 803, and 804.
A. **Court Case Status/Dispositions**

**Court Standby** – The status of being on-call for court and available by phone to respond as needed. The member must be able to appear at the proceeding within a maximum of one hour of being notified, and must be completely prepared to participate, including proper attire, reports, and evidence. [Any deviation from these conditions must be approved in advance by the Court Liaison Office (CLO).]

A member shall retain this status until such time as he/she is needed for the proceeding, released by the CLO, goes on-duty, or until 1700 hours. When a case “trails” to a different court day, the options shall remain the same with the exception of the appearance time or location, which may be adjusted by the requesting authority.

**Trailing Cases** - Cases often “trail” to the following day or for several days after the scheduled proceeding. Members are not released from their appearance notice simply because they did not appear on the date indicated. Members are under obligation to appear as needed until released. It shall be the member's responsibility to continue checking on the case until released.

**Trailed Cases with Specific Dates** - When a case has been "trailed" to a specific date, the member will be temporarily released from the case until the date in question, at which time the court appearance obligation will resume. No subpoena will be re-issued, and the member should change the date on their subpoena accordingly.

**Mandatory Appearance** – Unless otherwise noted, members shall appear on all traffic citation cases, parole revocation hearings, DMV hearings, ABC hearings, school expulsion hearings, and scheduled depositions as directed in their notices.

**Cases with Dispositions** - When a case has been disposed of (i.e., pled, dismissed, or continued), the member will be released from the case. New subpoenas will generally be issued for continued cases; if uncertain, CLO should be contacted for verification.

**Members Going Off-duty** - Members going off-duty with an unresolved appearance notice will be subject to being on-call for court until released from “Court Standby” status by CLO.

B. **Coordination of Appearance at Legal Proceedings**

It shall be the responsibility of the CLO to coordinate the mandatory appearances of members at legal proceedings resulting from their employment with the City, regardless of whether or not members are to appear on or off-duty. These proceedings shall include criminal court appearances, traffic court appearances, juvenile court hearings, parole revocation hearings, DMV hearings, Alcohol Beverage Control hearings, civil service hearings, depositions, and any legal proceeding (criminal, civil, or administrative) conducted as part of any judicial process.

Members contacted directly by legal counsel regarding a legal proceeding (to include deposition statements) shall contact CLO as soon as practical. Before answering questions or appearing at any legal proceeding, members shall ensure CLO has been notified of the contact. CLO personnel are responsible for ensuring the City Attorney's Office is aware of any such requested appearance by a member, when appropriate.
When a member receives a subpoena from a source other than CLO, they should contact CLO as soon as practical and before any court appearance. Members should provide CLO with details of the subpoena, to include any requests for the member to produce documents such as police reports, photographs, or body camera video. Members should also provide CLO a copy of the subpoena before any appearance dates.

Where lateral officers receive a subpoena requiring a court appearance on behalf of the member’s prior agency for work related duties, the Department will adjust the member’s work hours and/or days off, or at the Department’s discretion, pay overtime so the member can attend to the court process on duty. The member will be responsible for their travel expenses.

C. **Court Subpoenas**

Members are expected to cooperate with the prosecution to ensure the successful conclusion of a case. This applies to civil and criminal subpoenas.

D. **Court Appearances**

Members who respond to a proceeding without CLO approval will not be compensated. The CLO reserves the right to cancel or to continue the appearance dates and times as directed by the requesting authority, provided such cancellation or continuance is made before the member appears at the requested appearance location.

It shall be the member’s responsibility to continue to check on his/her case for their appearance date and time until released. Members will not be released from an appearance obligation simply because they were not needed on the date indicated. The “Court Case Standby Log” will be updated by 1700 hours on the day prior to the court appearance. The “Court Case Disposition Log” will be posted to Power DMS by 1700 hours at the end of each court day.

E. **Distribution and Service of Subpoenas and Other Notices**

Service of a subpoena requiring the appearance of any Department member in connection with a matter arising out of the member’s course and scope of official duties shall be coordinated by the delivery of two copies of the subpoena to CLO [Government Code §68097.1 and PC §1328(c)]. CLO is responsible for the initial receipt and proper distribution of all criminal subpoenas and other appearance notices, regardless of the type of proceeding.

The original notice and a copy will be forwarded to the member’s immediate supervisor or briefing officer, who shall be responsible for serving the notice in a timely manner.

Upon being served, the member shall:

- Sign and date the original notice immediately upon receipt;
- Indicate any date conflict(s) in the space provided, or on an attached memo;
- Provide an explanation if it is believed that the member’s testimony is not needed;
- Return the notice to the supervisor or designee, who shall forward it to the CLO by the conclusion of the shift;
- Retain the member’s copy in a suitable location to serve as a timely reminder of the obligation; and
- Utilize one of the copies provided as a downtown-parking permit for the designated appearance. This permit will be valid only in the Underground Garage at Van Ness and Tulare Avenues. The permit must not be visible within the parked vehicle, but simply shown to the parking attendant if requested upon exiting.

When the supervisor or briefing officer is unable to serve an appearance notice because the member is on vacation, extended days off, or other extended leave, the supervisor shall return the notice to the CLO as soon as possible with a brief explanation as to why the notice could not be served. The supervisor or briefing officer shall not file or otherwise retain an appearance notice while awaiting the return of a member who is absent for any reason other than regular days off.
F. **Valid Subpoenas**
No subpoena shall be accepted for a member unless it has been properly served and verified to have originated from a recognized legal authority.

G. **Receipt of Subpoena’s And Other Appearance Notices by Means Other Than CLO**
The CLO may refuse to accept a subpoena received less than five working days prior to the appearance date [PC §1328(e)]. When this occurs, the member may be served directly by a process server or by phone.

When a member is directed to appear by a subpoena or other document received through the mail, by process server, or by carrier other than the CLO, the member shall notify the CLO of the document by the end of the next business day. The member shall provide the CLO with all pertinent information, including the type of proceeding, the defendant’s name, the date of the appearance, the location of the appearance, the charge, the attorneys involved, etc. Members are required to appear as requested when notified through these methods, the same as if they were served by the CLO.

Members may be requested to appear for judicial proceedings via telephone or in person by representatives of the DA’s Office, the City Attorney’s Office, or other authority. When this occurs, the person making the request shall be advised to contact the CLO immediately, who will in turn notify the member of his/her need to appear. Members who appear on such direct requests shall notify CLO if not advised.

When a member is directed by a judge, superior member, or any member of the CLO to appear for a proceeding, even though no appearance document was issued, the member shall respond as directed. When the directive is received from a source other than the CLO, the member shall notify the CLO of the directive and all pertinent information immediately upon receipt.

Members receiving notices of appearance may voluntarily place themselves on “Court Standby” status, subject to the conditions outlined above.

H. **Days Off and Planned Absences**
Prior to the beginning of each work week or detail month, it shall be the responsibility of each commander to submit to the CLO a list of the regular days off of all members under their command, with the exception of Patrol, whose work schedules are available on the network.

It shall be the responsibility of members to forward copies of scheduled vacations, or planned absences of more than two consecutive work shifts, to the CLO at the earliest possible time to facilitate the proper distribution of notices received during the scheduled leave. Furthermore, each supervisor shall notify the CLO when any member under their supervision is terminated, retired, suspended, off injured, on temporary duty, or out-of-town training.

I. **Conflicts**
When a member believes that testimony is not needed, or that a date conflict exists with a requested appearance, the CLO will attempt to negotiate a change on the member’s behalf. This information should be noted on the original notice, or an attached memo, when it is returned to the CLO as an acknowledgment of receipt.

Regardless of efforts made by the CLO, there may be times when the member will be required to appear in court, even when on vacation, in training, or during other scheduled absences. Regular days off or inconveniences (i.e., child care or in-town training obligations) do not constitute a conflict for the purpose of negotiating a change in appearance. Members are under obligation to appear for all proceedings, including those in which a conflict has been indicated, until they are released.

Members shall not contact any deputy DA, public defender, private attorney, clerk, staff member, bailiff, parole officer, judge, or any person associated with the judicial system in any way whatsoever to negotiate a change in their court appearance, to determine if or when the member is needed, or to be
released from appearing. Nothing in this paragraph is intended to prevent contact with the requesting authority for the purpose of discussing the member's pending testimony so long as appearance times and conflicts are not discussed.

J. **Off-Duty Related Subpoenas**
Members receiving valid subpoenas for actions taken off-duty not related to their employment with the Department shall comply with the requirements of the subpoena. Members receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

K. **Failure to Appear**
Any member who fails to appear (or who fails to appear at the designated time) for any legal proceeding conducted as part of any judicial process, after being served with a notice to appear (or after being ordered to appear by a superior member, deputy DA, city attorney, or member of the CLO) is subject to disciplinary action.

L. **Release by Means Other Than CLO**
When a member is directly released from a hearing or judicial proceeding by a deputy DA, public defender, city attorney, or any attorney, clerk or staff member associated with a case, the member shall immediately notify the CLO of the release, advising (by name) who authorized the release and why.

M. **Illness, Injuries, or Emergencies**
When a member is ill, injured, or encounters an emergency that prevents a requested appearance, the member shall notify the CLO at the earliest possible moment so that all involved parties can be notified of the member's inability to appear as requested. Mere absence from regularly scheduled work shall not constitute notification as required by this provision.

N. **Trial by Declaration**
When a traffic court defendant requests a trial by declaration, the CLO shall forward a Declaration of Officer for Trial by Declaration Form to the reporting member. Upon receipt of the form, the member shall provide all pertinent information, including speedometer calibration, and return the form to the CLO during the same shift in which it was received.

O. **Jury Summons for Civilian Members**
   **On-duty Members**
   - Upon receipt of a summons for jury duty, the summoned member shall expeditiously notify his/her immediate supervisor.
   - When possible, civilian members shall place themselves on-call for jury duty so that they may be assigned work which will benefit Departmental operations while still satisfying court mandated on-call response times.
   - The supervisor of a member assigned to the Patrol Division shall contact the Duty Office to arrange for a work assignment while the summoned member is on-call. Supervisors of members assigned to other divisions of the Department shall make arrangements within their respective divisions for summoned members to perform work during their on-call status.
   - When a member is required to appear by the Jury Commissioner, but is subsequently released during the course of the work day, the member shall report back to his/her assigned duty station until needed again, until the end of the work day, or until he/she is completely released from the summons, whichever comes first.
   - Members shall receive their regular wages or salary during the time they are required to be absent from their assigned duties due to a jury summons, but shall turn over to the Fiscal Affairs Bureau any fees, including mileage allowances, received for such attendance or service. An OTTO Request covering the missed work time shall be completed and submitted to the Fiscal Affairs Bureau with the Court Time Verification Card (issued by the Jury Commissioner's Office) attached.
Shift Adjustment
The Department will allow a summoned member assigned to a night shift to temporarily flex his/her work hours, at the request of the member, to a day shift workweek. The flexed hours shall cease when the member is released from the summons.

Work Day Adjustment
The Department will not approve a modification of a member’s workdays during the time the member is obligated to respond to a jury summons.

P. Courtroom Protocol
Members must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

Q. Courtroom Attire
Uniformed members who are subpoenaed to testify in court during duty hours shall appear in court in uniform, except that caps and helmets shall not be worn or carried. On request of the prosecuting attorney, members may change into civilian clothes to testify, but shall return to uniform subsequent to the court appearance.

On-duty, non-uniformed members shall wear conservative, professional clothing when testifying in court or during other related proceedings for which the appearance is coordinated by the CLO. Male members shall wear suits or sports coats and ties.

Off-duty members have the option of appearing in professional clothing as indicated above, or to appear in uniform. Should members testify they are to follow the uniform provisions of this order. Those appearing in uniform may be assigned duties as outlined above.

Undercover members are not required to change clothes for preliminary hearings, parole hearings and other non-trial proceedings.

R. Preparation for Testimony
Before the date of testifying, the subpoenaed officer shall review all relevant reports and other evidence (e.g., body worn camera video, reports, photos, etc.,) and become familiar with their content in order to be prepared for court.

Members testifying in any legal proceeding should only provide testimony on matters they have personal knowledge of, or can prove. When members provide personal opinions, it can have unintended consequences that are often detrimental to the proceeding or future proceedings.

S. Courthouse Decorum
Members shall observe all rules of the court in which they are appearing and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

T. Compensation for Court Time
If the member appeared on his/her off-duty time, he/she will be compensated in accordance with the members Memorandum of Understanding (MOU).

U. Court Time Defined
Off-duty appearances resulting from the performance of duties as a member of this Department shall be compensated as court time under the following guidelines:

- When the appearance is in response to a subpoena or other appearance notice, or at the direction of a court, superior member, prosecuting attorney, city attorney, defense attorney, or member of the CLO, to attend any court hearing, deposition, or other legal proceeding as a witness;
- When the appearance is in response to a request by a prosecuting attorney, defense attorney, or court to confer on an investigation or a pending court proceeding. This shall include requests by a city attorney (or attorneys representing the City) in civil proceedings, and attorneys representing other governmental agencies in civil proceedings, but it shall not include requests by other attorneys involved in civil proceedings. (Attorneys involved in other civil proceedings should be instructed to meet with the desired member during that member's normal duty hours. No compensation will be paid for conferences of this type unless special arrangements have been made, and compensation has been authorized by the CLO supervisor.);
- For off-duty telephone conversations between a member and any deputy DA, deputy public defender, private attorney, judge, court clerk, or any person associated with the judicial system, when the contact is initiated or requested by such person in the judicial system. Compensation for member-initiated off-duty contacts when not requested by any of the above parties will not be authorized without prior approval of the CLO supervisor; and
- When the time spent is not the result of the member's former employment.

For the purpose of this order, time in attendance shall be defined as the difference in time, in 1/10th hours, from the time the member begins a proceeding or conference to the time the member’s presence is no longer required.

V. Local Proceedings
Notwithstanding the general provisions for overtime, as identified in FMC §2-1514, members shall be compensated for all judicial proceedings (criminal, civil, and administrative) consistent with their respective MOUs.

W. Out of Town Proceedings
The same provisions for local judicial appearances shall apply to out of town appearances with the exception of travel time. For the purpose of out of town proceedings, "actual time" shall mean the sum of travel time and time in attendance. When this sum exceeds the applicable minimum number of hours as established with the member’s MOU, the greater time shall be compensated. Compensation shall be determined as follows:
- When the appearance is scheduled on a regular work day, only the actual time spent in excess of the normal number of daily work hours shall be compensated;
- When the appearance is scheduled during a regular day off, a vacation, or a day of compensatory time off, the amount of time allowed shall be the actual time spent in attendance plus travel, or the applicable minimum number of hours set forth by the MOU, whichever is greater;
- When the scheduled appearance requires an overnight stay, compensation time shall be calculated on each day in accordance with the prior two guidelines;
- When the appearance is made on a regular day off, a vacation, or a day of compensatory time off, a maximum of 8 hours compensation per day will be allowed for those days during which the member must remain out of town. However, if the "actual time" as defined in the first paragraph of this section exceeds 8 hours on any given day, the "actual time" shall be compensated for;
- When a member is required to stay out of town through the weekend, the member’s days off for the week shall be changed to Saturday and Sunday, if possible. The member will not be compensated for non-duty days while out of town. The Department is not responsible for returning members home for the weekend; and
- Agencies requesting members to appear out of town for a court hearing or legal proceeding are generally responsible for travel arrangements, room, and meals for the member. Members shall not be compensated for using their private vehicle or other personal means of transportation unless prior arrangements have been made with the supervisor of the CLO. The CLO is responsible for coordinating all out of town court appearances.

X. Reporting of Court Time
All members required to make an appearance as defined in Section U, Court Time Defined, shall submit an OTTO Request to his/her supervisor as soon as possible after the appearance. The OTTO
Request shall contain the defendant’s full name, the prosecuting DA’s name, and the courtroom number in the “comments” section for verification purposes, and must be accurately completed to avoid a delay in processing.

Inaccurate OTTO Requests will be returned to the member for correction prior to being approved by the CLO.

Y. **Reporting of Civil Appearance Time**

Appearances associated with civil proceedings generally do not qualify for reimbursement through the OTTO System. A separate “Civil Appearance” compensation form will be attached to the appearance notification at the time of service, and this form shall be completed and returned to the CLO for processing, regardless of whether the appearance was on-duty or off-duty. The City will be compensated if the appearance was on-duty; the member will be compensated if the appearance was off-duty.

Z. **Reporting of Court Standby Time**

Members who qualify for “Court Standby” compensation pursuant to their MOU shall submit a completed OTTO Request to their supervisor immediately upon their return to work. The OTTO Request shall contain the defendant’s full name, the prosecuting DA’s name, and the courtroom number in the “comments” section, and must be reviewed by a supervisor responsible for verifying that the scheduled appearance was on a regular day off or scheduled work day for swing, lap and midnight shifts. Inaccurate OTTO Requests will be returned to the member for correction prior to being approved by the CLO for processing.

AA. **Reimbursements From Other Agencies for Travel Expenses**

Any witness fee(s) paid to a member by any agency other than the City shall be turned over to the Fiscal Affairs Bureau. Any travel fees paid by any outside agency which were paid or advanced by the City shall also be turned over to the Fiscal Affairs Bureau. Witness and travel fees paid to members who are not compensated by the Department for their appearance are exempt from this requirement.

AB. **Testifying Against the Interest of the People of the State**

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police, District Attorney’s Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:
- Providing testimony or information for the defense in any criminal trial or proceeding;
- Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or
- Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.
Supervisory Responsibilities
Corresponding Policy 349: Supervisory Responsibilities

A. General Responsibilities
Supervisors shall be 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.

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 apprised 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.

B. Supervisory Calls
Supervisors shall respond to all calls assigned to their personnel that involve:
- The use of firearms (not including shots fired calls);
- The use of explosives;
- Injured members;
- Members using reportable force;
- Homicides and other crimes involving serious injury;
- All cases of death or impending death other than those which are confirmed to be from natural causes;
- Fatal and serious injury accidents;
- Missing juveniles under 12 years of age;
- Vehicular pursuits;
- Riots, large disturbances, or labor disputes;
- Complaints against the Department or its members;
- Incidents involving off-duty members; and
- Incidents involving members of any other law enforcement agency.

When a supervisor is unable to break from other mandatory supervisory calls, another sergeant shall be contacted by ComCen to respond on their behalf.

Reportable Force Defined
Reportable force has occurred when:
- Members (including canines) use force and a person is injured, has expressed a complaint of pain, or has been rendered unconscious;
- Members strike a person with a body part (e.g., fist, foot, elbow, etc.) or any object (e.g., flashlight, clipboard, etc.); or
- Members use (not merely display) a Department issued weapon (e.g., baton, chemical agents, Taser™, less-lethal, shotgun, firearm, etc.) against another.
C.  **Reportable Force - Required Documentation**
Supervisors are responsible for the following:

**Use of Force - Civil Liability Statements**
When members use reportable force, the supervisor shall respond to the scene to interview the involved individual(s) and when practical, any available witnesses.
- The supervisor shall record the statements of all involved individual(s) and witnesses interviewed.
  - Exception: K-9 officers will obtain civil liability statements for K-9 related reportable force.
- The supervisor shall ensure any injuries or relevant evidence is photographed (to include lack of visible injuries).

Supervisors shall not record statements from sworn officers without first affording them their Police Officer Rights in accordance with POBR.

**Digital Recordings**
When supervisors utilize a digital recorder for a Use of Force statement, the recording supervisor shall upload the recording into IAPro BlueTeam web interface. The data upload will take place as soon as possible after the interview is completed. When a digital recorder is unavailable or does not work, supervisors shall request another supervisor respond with a working digital recorder.

When possible, supervisors shall include the following information at the beginning of recorded interviews:
- Date and time of Interview;
- Name of person(s) interviewed;
- Location of interview; and
- Name of member conducting interview(s).

**Use of Reportable Force Forms – General Instructions**
Supervisors shall thoroughly complete an electronic Use of Force Form via the IAPro BlueTeam web interface.
- Whenever possible, the supervisor completing the Use of Force Form should also approve the officer’s report documenting the reportable force.
- When a supervisor has used reportable force, a non-involved supervisor shall complete the Use of Force Form.
- Any police report documenting force that caused injury shall be approved by a supervisor. Use of Force Forms will not be completed for officer involved shootings (OIS).

Completion and routing of the Use of Force Form via BlueTeam:
- A copy of the officer’s report shall be electronically attached;
- Supervisors shall highlight the portions of the report specifically detailing the use of force;
- In the comments section of the form, the supervisor shall list the names of staff members in the involved officer’s chain of command (to facilitate accurate routing);
- The completed form will be forwarded from the supervisor directly to the Legal Advisor;
- After the Legal Advisor’s review, the form will be forwarded to the first staff member in the officer’s chain of command (as listed in the comments section by the initiating supervisor);
- Each staff member in the chain of command will generally have three business days for review prior to forwarding it, along with his/her comments, to the next person in the review process.
- The bureau commander shall review and forward the form to the Accountability and Compliance Unit along with any comments that may have been added;
  - When the bureau commander determines additional review is necessary, the bureau commander will ensure the form is copied to the appropriate bureau/section/unit (i.e. Training, Internal Affairs, Policy & Procedures, etc.) via the BlueTeam interface.
- The Accountability and Compliance Unit will review the form for accuracy and forward it to the Internal Affairs secretary.
**K-9 Applications**

When a canine is utilized as a means of force and a person is injured, the Use of Force Form shall be completed by the on-scene supervisor and routed directly to the K-9 Unit supervisor via BlueTeam. Additionally:

- The K-9 Unit supervisor will electronically attach the K-9 officer’s report documenting the K-9 application; and
- K-9 Unit supervisors shall highlight the applicable portions of the report which document the use of reportable force prior to attaching to the form.

**K-9 Application with other Reportable Force**

In cases where there is both a K-9 application and another type of reportable force is also used by a non-K-9 officer (e.g. Taser, baton, etc.), the initiating supervisor will complete the form, highlight and attach the non-K-9 officer’s report and route it directly to the K-9 supervisor via BlueTeam.

After highlighting and attaching the K-9 officer’s report, the K-9 supervisor will route the form to the Legal Advisor. The Legal Advisor will review and forward the form to the first staff person listed in the non-K-9 officer’s chain of command. Once the non-K-9 officer’s chain of command has reviewed it, it shall be forwarded for review by the K-9 officer’s chain of command. Once both reviews have been completed, the final reviewing bureau commander shall forward the form to the Accountability and Compliance Unit.

**D. Unusual Occurrences**

Supervisors are required to notify a field/district commander when any of the following incidents occur:

- A homicide or attempted homicide occurs in the City;
- A member discharges a weapon other than for training or evidentiary purposes;
- Department vehicles suffer major damage from accident or attack;
- City property suffers major damage from attack;
- A member is injured in the line of duty and the injuries will cause the member to be relieved of his/her duties for any period of time;
- Any situation occurs which is likely to result in considerable news media attention;
- There has been a disturbance involving large numbers of persons;
- There exists a reasonable possibility of criminal or civil liability for any incident involving a member, the Department, or the City;
- The SWAT team responds to any incident;
- An Electronic Tracking System event occurs;
- There is information that the Chief of Police, or designee, does not have and should be advised of;
- A person dies while in the custody of the Department; or
- Personal injury or major property damage has been sustained as a result of a hate incident.

**Pursuit Critique**

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; and
- Click “save” (can be accessed by the IA secretary).

The supervisor shall ensure a written report and critique, to determine whether or not the pursuit was within Department guidelines, is prepared in an approved format. The critique will be forwarded via BlueTeam to the Pursuit Review Officer for review and a determination of the findings.

The Pursuit Review Officer is a staff officer appointed by the Chief of Police. The Pursuit Review Officer shall forward the critique and their findings to the Division Commander through the involved
officer's chain of command. 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.

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 a member of ISB staff to determine the accuracy of the AVL information.

E. Incidents Requiring Direct Notification of the Chief or Designee
When any of the following incidents occur, the commander of the district in which the event occurred and the Deputy Chief of the Patrol Division shall be contacted as soon as practical by the commander of the incident:

- A member is seriously injured or killed;
- A member is involved in any action that results in a potentially fatal injury or the actual death of any person;
- Members or resources are requested or likely to be requested in another jurisdiction under formal or informal mutual aid;
- A riot, major disturbance, or public catastrophe occurs in the City; or
- A member is involved in any action which is likely to be the focus of significant public interest or is likely to bring the Department into disrepute.

The Deputy Chief, after notification, will provide direction as to any further notifications deemed necessary (e.g., the Chief of Police, the commander of involved member, etc.)

F. Checking Reports
Supervisors or their designee shall check RPW to review and approve completed reports during their shift. Sergeants or their designees shall also be responsible for the prompt delivery of all completed hard-copy reports to Records. Refer to Procedure §344.

Sergeants (not designees) shall approve all officer reports documenting reportable force incidents. When a sergeant is required to document force he/she personally used, another sergeant should review and approve their report.

G. Injured Members
Supervisors shall supervise the handling of all incidents involving injured members. Their responsibilities include:

- Arranging for medical treatment, if needed;
- Completion of Supervisor’s Report of Injury (SRI) Form; and
- Completion of Employee’s Claim for Workers’ Compensation Benefits Form (DWC1) within 24 hours.

Refer to Procedure §1042 for additional information regarding injured members.

H. Observation and Evaluation
For purposes of this order, supervisors who perceive/observe any performance of subordinate members not administratively assigned to them shall assume the responsibilities of that subordinate's assigned supervisor for the purposes of supervising and monitoring the subordinate's performance.

I. Briefing
Supervisors, or their designees, are responsible for conducting briefing at the beginning of each shift.

- Supervisors should assess the readiness of each Department member with respect to the performance of their duties;
- Supervisors should use available briefing time to train subordinate members on topics related to their duties
Briefings will consist of detail assignments for the shift as well as the dissemination of any pertinent information which may include:

- Wanted person;
- Problem locations;
- Any new or recently modified policy/procedures;
- Daily patrol activity, with particular attention to unusual situations occurring within the district or City;
- Potential and actual police hazards;
- Changes in status of wanted persons, stolen vehicles, major investigations, community activities, etc.; and
- Notification of new directives or any changes in directives.

When members do not attend shift briefing, their supervisor, or designee, shall make personal contact with the on-coming member as close to the start of the member's shift as possible.

- Members shall receive all current information regarding their district/unit during the contact.
- A briefing packet shall be compiled for each on-coming member who does not attend shift briefing and shall contain the same information given during the shift briefing.

Supervisors in non-patrol assignments should conduct briefings weekly which, at a minimum, cover issues relating to the unit or bureau.
A. **Overall Responsibility**
Reserve police officers fall under the command of the Traffic & Special Services Bureau, under the general supervision of the Reserve Coordinator. However, when deployed outside of the Traffic & Special Services Bureau, bureau commanders and district commanders are responsible for the deployment and supervision of reserve police officers.

Bureau commanders and district commanders will ensure that reserve police officers are deployed within the legal guidelines as set forth in Penal Code §§830.6(a)(1), 832.6(a)(1), and 832.6(a)(3).

C. **General Responsibilities**
Reserve police officers will be assigned to a patrol district, based on an annual voluntary signup.

Reserve police officers assigned to a patrol district shall notify the on-duty Sergeant when they log on. Reserves will include the name of the on-duty Sergeant they reported to in the log information, by computer, or by voice. When reserve police officers are performing general law enforcement duties, the on-duty Sergeant is responsible for their deployment and will ensure immediate supervision by a full time officer is provided.

Crime reports completed by reserve police officers shall be reviewed and approved by a district Patrol Sergeant. Reserve police officers completing a report outside of their assigned district shall ensure that the report is transferred through the Records Bureau to the appropriate district.

D. **Supervisor Responsibilities**
When a reserve police officer reports for duty, the on-duty Sergeant responsible for their deployment will ensure immediate supervision by a full time officer is provided.

The responsibility to investigate any inquiry/complaints against a reserve police officer generated from their deployment shall be that of the bureau or district where the reserve officer was working at the time of the complaint.
Fresno Police Department Procedures Manual

Outside Agency Assistance
Corresponding Policy 352: Outside Agency Assistance
CALEA 1.1.3, 2.1.2, 12.1.4, 42.2.5

A. **Regional First Responder – Instant Aid (FPD AND FCSD)**

When the Fresno Police Department (FPD) receives a life threatening CFS, and there are no FPD personnel available, ComCen will request the aide of the Fresno County Sheriff’s Department (FCSD). FCSD will be dispatched to the scene and will be responsible for stabilizing the call, and standing by for FPD personnel who will take over primary investigative responsibility, if needed. This same rule will apply for FPD, if FCSD has no units available to respond to a life threatening CFS and the call is within a county pocket, within the Fresno Metropolitan Sphere of influence. This is per an MOU dated 4/3/02 between the Chief of Police and Sheriff of Fresno County.

The overall aim for both the FPD and FCSD is to ensure a timely law enforcement response to life threatening calls, regardless of jurisdictional boundaries.

B. **Assisting Outside Agencies**

Field members will respond to requests for assistance from other law enforcement agencies consistent with the priority and volume of Department calls for service holding at the time. Requests requiring multiple unit responses, for other than temporary backup, require supervisory response and notification of the appropriate commander. All other members shall assist outside agencies consistent with their own workloads.

C. **Multiple Criminal Acts in Multiple Jurisdictions**

Multiple criminal acts involving major crimes occurring in more than one jurisdiction shall be handled as follows:

1. The jurisdiction in which the most serious crime occurs (using the Part I crime classification) will be the primary investigative agency and will investigate all other related offenses;
2. In the absence of knowledge of the location of other offenses, the jurisdiction where the last known offense occurred will assume investigative responsibility;
3. When jurisdiction is not clearly defined, area or field commanders or supervisors from the affected agencies shall meet, evaluate the total circumstances, then determine the agency that would appear to have primary responsibility under the above guidelines; or
4. When an agency begins an investigation but later discovers the investigative responsibility is with another agency, an administrative decision shall be made by the bureau commander of the applicable follow-up unit whether to continue the initial investigation or to transfer the investigation to the agency with original jurisdiction. When responsibility is transferred, all information and evidence shall also be transferred. All reasonable assistance to accommodate the transfer of the investigation shall be provided.
A. Confidential Nature
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.

B. Equipment Issuance and Maintenance
Equipment issuance and maintenance are the sole responsibility of the LoJack Corporation. When equipment problems arise with the PTC-3 (e.g., not tracking, fails to turn on, code lights or signal strength indicator display out, etc.), they shall be reported to the supervisor assigned vehicle duties at the District/Bureau.

- The supervisor shall contact a LoJack representative at 559-647-6898, fax 559-297-1180, or by email PO'Donnell@lojack.com, and advise of the problem.

C. Vehicle Out of Service
When a PTC-3 equipped vehicle is out of service for any reason, the PTC-3 equipment shall remain with the vehicle until the vehicle is returned to service. In the event of replacement, LoJack personnel will remove and reinstall the equipment into another vehicle.

D. Supervisor/Commander Responsibility
Supervisors assigned vehicle duties are responsible for designating PTC-3 equipped units on their District/Bureau's vehicle status board. They are also responsible for contacting the LoJack representative and notifying them of any problems with the PTC-3 as outlined above.

District Commanders are responsible for maintaining an accurate and current inventory of PTC-3 equipped vehicles assigned to their district.

E. Officer Responsibility
Officers assigned to a PTC-3 equipped vehicle shall inspect the tracking equipment at the beginning of their shift by monitoring the PTC-3 when the vehicle is started.

F. Liaison Officer
The Department staff member who is assigned vehicle duties will be designated as the Department's liaison with LoJack and is responsible for:
- Acting as liaison between participating agencies (e.g. Clovis PD), and other agencies that may acquire the LoJack PTC-3 equipment;
- Contacting the LoJack representative and notify him/her of any equipment problems or vehicle changes;
- Coordinating training of new members through the PTO program; and
- Conducting Department training exercises.

G. Deployment of LoJack PTC-3
Supervisors shall make every attempt to deploy PTC-3 equipped units daily, and verify members designate the vehicle as PTC-3 equipped in their unit log.

H. LoJack Activation Officer Responsibilities
When a LoJack activation "code" is received, PTC-3 equipped units shall advise the channel operator of the activation and code information. When a reply code is received, officers shall:
- Query the LoJack reply code;
Notify ComCen to broadcast descriptive information about the stolen vehicle and possible suspects; and notify a supervisor.

When possible, the suspect(s) should be transported in a non-PTC-3 equipped vehicle in order to maintain system security. The apprehension process is not to be discussed with the suspect(s).

Supervisory Assigned Response

The assigned supervisor of a PTC-3 activation is determined through normal supervisory assignment criteria. After assuming the role of controlling supervisor, the supervisor will remain in that capacity until the completion of the track.

The assigned supervisor is responsible for:

- Ensuring that only necessary units are utilized during the track, as only PTC-3 equipped units should normally respond to an alert. Non-PTC-3 equipped units should remain in their districts and respond only at the direction of the controlling supervisor;
- Coordinating the response of all units, including coverage of escape routes, keeping the ComCen notified of developments, etc.; and
- Directing a tactical plan when suspect(s) reach a destination.

Multi-Jurisdictional Incidents

The initiating agency in multi-jurisdictional incidents has primary responsibility for and operational control of a tracking. The agency is also responsible for the handling of all arrests resulting from the tracked event.

If an officer is tracking a vehicle outside Fresno city limits, the officer shall continue tracking the stolen vehicle unless directed by a supervisor to terminate the tracking, or the responsibility for the tracking is assumed by officers from the adjoining law enforcement agency.

When another law enforcement agency assumes the tracking of a stolen vehicle from an FPD unit outside the Fresno city limits, the FPD unit(s) duties are to assist the outside agency.

- The tracking agency will be in command of the tactical and follow-up responsibilities (e.g., arrest, impound, booking, reports, etc.).

I. Chop Shops

The officers' supervisor should contact the supervisor of the "HEAT" unit and request assistance in the event a search warrant is required to enter a building where a stolen vehicle is located.

- As a general rule, a search warrant should be obtained prior to entering the structure.
- An officer's probable cause for a search warrant is the transponder activation, which gives the reply code and subsequent verification of the stolen vehicle information.

J. Documentation of PTC-3 Use

When the PTC-3 tracking equipment provided the only probable cause leading to the arrest of suspect(s), that information will be documented in the CR. All other information regarding the PTC-3 equipment and specific details of how the system was used shall not be included in the CR.

K. Recovery of Stolen Vehicle

When a LoJack equipped stolen vehicle is recovered, the primary unit is responsible for immediately notifying teletype so that the vehicle can be entered as recovered and the vehicle's transponder deactivated.

Officer shall not release a LoJack equipped stolen vehicle until teletype positively confirms with the primary unit that the stolen vehicle's transponder signal has been deactivated.
Before commencing any training exercise, the ComCen shall be notified. The ComCen shall then announce on all applicable frequencies that the signal about to be transmitted is a training exercise.

M. Reference

RCTB 05-13
A. ComCen Responsibilities

The Emergency Services Dispatcher (ESD) receiving a call of a petty theft from a Loss Prevention Officer (LPO) from a retailer part of the Shoplifter Release Program shall screen the call using the criteria listed in the Policy Manual §354.3

1. Obtain the LPO’s identifying information, name and location of the business;
2. Obtain the facts associated with the detention;
3. Obtain the detained suspect’s identifying information; name, date of birth and address, tattoos, scars, marks, etc.; The LPO shall have all identifying information at the time of calling ComCen. If the LPO does not have all the suspects identifying information they are to be told to call back when they have everything ComCen requires.
4. Conduct a warrant check; if suspect dos not have identification, attempt to identify the suspect the same as a patrol officer, i.e. RMS, tattoos, DMV CDL/ID information etc., with the information provided by LPO. If the information matches i.e. tattoos, etc., suspect would be eligible for release.
5. Advise the LPO if the suspect is eligible for release, if so, provide the LPO with Event Number and the 90 misdemeanor cite date to be placed on LPO release waiver form; clear the call with disposition code 4F10 (to designate this was a shoplift with no officer response, or
6. Dispatch an officer for identification problems, warrants, or when the suspect does not meet the release criteria.

When the retailer is not a participant of the Shoplifter Release Program, the ESD shall:

1. Direct the reporting party (RP) to the eReporting website located at http://www.fresno.gov/reportcrime to complete an eReport with the available information, if no suspect is in custody.
2. If the retailer has someone in custody, an officer will be dispatched to complete an original report, cite or book the suspect, and obtain any video, if available.

C. Reporting Criteria

Members shall prepare a crime report on petty thefts from businesses only when:

- A suspect is in custody, and
  - 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.

D. Loss Prevention Officer (LPO) Arrests of Adults

When an adult is arrested by an LPO that utilizes CopLogic, LPO’s will:

1. Call FPD Dispatch who will advise whether the suspect qualifies for the release program;
2. Photograph the suspect (to be attached to the CopLogic report);
3. Photograph the recovered property (to be attached to the CopLogic report);
4. Photocopy/photograph the suspect’s identification (to be attached to the CopLogic report);
5. Fingerprint the suspect;
6. Have the suspect sign the release waiver and write the event number provided by ESD. If the suspect refuses to sign, the LPO will write “Refused” in the signature box and release the suspect.
7. Release the suspect with a copy of the release waiver; and
8. Attach a photocopy of the release waiver form to the report.

E. **Responding Officers Responsibilities**
Refer to Procedure Manual Appendix and RCTB #17-03

F. **Store Security Detentions/Arrests of Juveniles**
When a juvenile is detained/arrested by a loss prevention officer, he/she will complete a CopLogic report (Note: this will become Juvenile Arrest Report (JAR) when CopLogic report migrates into RPW).
Officers shall exercise sufficient control over arrestees in their custody so as to minimize the potential for escape, injury, property damage, and/or evidence destruction.

A. **Criteria for Processing**

Adults arrested on criminal charges who are going to be booked into the Fresno County Jail (FCJ) shall be processed through the Crime Scene Investigation Bureau (CSIB) prior to booking, with the following exceptions:

- Persons arrested only for public intoxication; and
- Persons who are too belligerent, combative, drunk, or persons who, while at the CSIB, become so belligerent or combative they pose a danger to processing personnel (supervisor's approval is required); and
- Persons arrested on warrants other than FPD original arrest warrants (i.e., pink or blue warrants);

Note: Routine medical screening shall be performed at FCJ during the intake process. Members who suspect an arrestee is developmentally disabled shall notify the FCJ intake nurse who will properly evaluate the arrestee.

B. **Arrestee Phone Calls**

Penal Code §851.5 requires arrestees be given the opportunity to make three phones calls within three hours of their arrest. While officers are not affirmatively required to advise adult arrestees of their right to these phone calls, the law requires a sign advising arrestees of these rights be displayed at any Department location where an arrestee is detained. If adult arrestees are being detained in a location where there is no sign advising of such rights (e.g. hospital or in the field), officers should advise arrestees of their right to the phone calls and document the time of their advisement. Officers should provide an opportunity for the individual to make the phone calls as required by law.

When an arrestee requests to use the phone, they should be allowed to do so immediately, or as soon as practical, in accordance with the provisions of PC §851.5. If there are exigent circumstances that prevent an arrestee from accessing a telephone in accordance with the statute, a supervisor should be notified and the circumstances documented in the officer's report.

There is no obligation for an officer to make a call on the arrestee’s behalf (e.g. when the person is so intoxicated that he or she cannot make a call). An officer is not required to wake an intoxicated or sleeping person so that they may use the phone. Under no circumstances are officers required to allow the usage of their own personal cell phones.

There is no limitation on the amount of time an arrestee’s phone call may last. An arrestee should be given sufficient time on the phone to contact whomever he/she desires and to make necessary arrangements related to his/her arrest. The phone calls are not intended to be lengthy conversations and the officer may use his or her judgment in determining the duration of the calls.

The Department will pay the cost of local calls. Long distance calls must be paid for by the arrestee using a calling card or by calling collect. Calls between the arrestee and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded. Instructions for operating the prisoner phone system are posted in CSIB.
Custodial Parents

Officers must ask arrested persons if they are a custodial parent with responsibility for a minor child as soon as practicable, but no later than three hours after the arrest, except where this may be physically impossible. If the person is a custodial parent with responsibility for a minor child, the person shall be entitled to make two additional telephone calls for the purpose of arranging care for the minor child. Officers shall document in their reports the time the inquiry was made.

The rights provided by PC §851.5 shall be provided regardless of the arrestee’s immigration status. Any officer who willfully deprives an arrested person of the rights granted by PC §851.5 may be guilty of a misdemeanor. Refer to Procedure §900 for specific requirements involving juvenile arrestees.

C. Approval of Misdemeanor Bookings

All misdemeanor bookings into the FCJ shall be approved by a supervisor prior to removal of the arrestee from the scene of arrest.

D. Fee Exempt Booking

A booking is deemed “Fee Exempt” when an adult suspect is booked for any of the following:

- Felony or misdemeanor bench warrants issued for failure to appear in court;
- Any arrest warrant issued for a crime committed outside the Department's jurisdiction;
- Violations of parole or probation except where there is a separate charge for a crime occurring in the jurisdiction of the Department;
- Charges resulting from a mutual aid response to another agency;
- Escape from a local, state, or federal custodial facility;
- On charges resulting from riots, disturbances, or events for which the Governor has declared a state of emergency; or
- By an officer who is assigned to a formal multi-agency task force in which the county is a participant and the charges result from activities of that task force.

When a fee exempt booking into the FCJ is made, one of the above categories must be specified in the AR of the incident and officers shall write the words "FEE EXEMPT" in the top margin of the AR.

E. Sick or Injured Arrestees

Officers arresting and/or transporting, or detaining in the temporary holding cell, arrestees who require medical attention shall arrange for transport via EMS to Community Regional Medical Center (CRMC) for treatment. The officer shall standby the arrestee until treatment is complete.

The Emergency Room staff should tag in custody patients for "priority treatment" which should be rendered by both medical and nursing personnel within one hour's time. When this procedure is not adhered to the officer should contact his/her supervisor.

When the treatment time will be extensive (i.e., several hours) or when it is determined that an injured misdemeanor arrestee is to be admitted to the hospital for treatment, the Adult Misdemeanor Citation process shall be used in lieu of booking. Refer to Procedure §420.

When the arrestee is incapacitated to the extent that he/she is unable to sign a citation, the officer will complete a “dummy” Adult Misdemeanor Citation with all information except the date/time of appearance. This applies to all misdemeanor violations. The officer will forward the “dummy” citation (all copies) to the Bureau having responsibility for follow-up on the case (based upon the Uniform Crime Reporting hierarchy). These "dummy" citations will not be submitted to Records. The member receiving the "dummy" citation shall prepare and submit a complaint package and warrant request to the PLO.

Officers following this procedure will note in their report that a "dummy" citation was issued and to which Bureau it was sent. When the original report has already been completed, the issuing officer shall complete a FR with the "dummy" citation information.
Communicable Disease Prevention
Officers arresting and/or transporting, or detaining in the temporary holding cell, arrestees that are known or suspected of having a communicable disease, shall take appropriate preventative measures as outlined in Procedure §1016 and annual Advance Officer Training. Janitorial services shall be notified to treat any holding cells that have been contaminated with bodily fluids from detained / arrested individuals.

F. Detoxification Services
Detoxification services are not provided by the Fresno Police Department. Suspects who are severely intoxicated and do not meet the minimum intake requirements for detoxification at FCJ shall be transported via EMS to CRMC.

G. Vermin Control
Vermin control is provided by the Fresno County Sheriff's Department (FSD) during the booking process/procedure at FCJ. Members who suspect vermin infestation of an arrestee should bypass the Prisoner Processing Section and transport the arrestee to FCJ. If processing is required, CSB should be notified to arrange for prisoner processing after the arrestee has been treated for the vermin infestation. Janitorial services shall be notified to treat any holding cells that have been used to detain individuals suspected to have vermin.

H. Guarding Hospitalized Felons
As of January 1, 2008, the Fresno Sheriff’s Department will no longer provide guard services for prisoners who are admitted to the hospital. The responsibility will now shift to the Fresno Police Department to guard its own hospitalized prisoners. The following steps shall be taken when handling hospitalized prisoners:
- Officers with a felony prisoner requiring hospitalization will advise their supervisor. The supervisor will respond to assess the factors surrounding the prisoner.
- If the stay is expected to be extensive or the prisoner is going to be admitted to the hospital, the supervisor will contact the PIO Field Commander.
- The PIO Field Commander will notify the Duty Office who will initiate prisoner watch duty assignments.
- The Duty Office will first attempt to fill this request with a Cadet II; either on regular duty or on overtime. If a Cadet II is not available, an officer will be ordered-back to guard the prisoner. The Duty Office will coordinate the guard watch relief and document this on the Daily Detail Sheet.
- The PIO Field Commander will monitor the prisoner watch process and can cancel any officer or cadet as outlined in Penal Code §§4011.7 and 4011.9 after consulting with the Legal Advisor and Patrol Division Commander.
- After 24 hours, if the felony prisoner is still hospitalized, the PIO Field Commander will consult with the Patrol Division Commander and Legal Advisor to examine alternatives to guarding the prisoner, such as seeking a warrant/summons and releasing the suspect, petitioning the Court for an arraignment, or continuing with the guard duties.
- The seriousness of the offense, prisoner’s medical condition, risk of escape, criminal history, risk to the community, risk to the prisoner to include threats or retaliation, and anticipated length of stay at the hospital will be considered in determining the course of action.
- The Duty Office will maintain an updated log for hospitalized prisoners.
- If a prisoner medical status changes, the Duty Office will be notified and the Duty Office will make necessary changes to the prisoner hospital log which will be maintained in the Duty Office.
- The arresting officer or investigator shall submit the completed ePCD and AR following the arrest but not later than the end of their shift so it may be retrieved when the prisoner is released from the hospital.
- Upon release from the hospital, the Duty Office will contact the CLO Office that the prisoner has been booked on Fresno Police Department open charges.
- The Bureau Commander overseeing the Prosecution Liaison Office will oversee the arraignment process, should the prisoner remain in the hospital past the time to file charges. The Bureau Commander may consult with the Legal Advisor and Patrol Division Commander.
Once the arraignment has concluded, the PLO Bureau Commander will notify the PIO Field Commander who will make arrangements for the Sheriff’s Department to take over guard duties.

I. **Arrestee Refuses Treatment**

An arrestee who is being booked into FCJ is not allowed to AMA (Against Medical Advice) from treatment in the field. When an arrestee refuses medical treatment at the hospital, the officer shall obtain a completed AMA form from the attending physician. The form acknowledges that the arrestee has had the opportunity for medical care and elected not to receive it. The arrestee shall then be processed and booked consistent with existing procedures.

An arrestee who is being cited and released in the field, may choose to AMA from EMS, unless otherwise required by Department policy or procedure (refer to Procedure §300 – Use of Force).

J. **Arrestee Property**

Personal property belonging to an arrestee that is not booked as evidence should be taken from the arrestee by an officer at the time of arrest and prior to transportation.

- This property shall be put in a prisoner property envelope.
- The information spaces on the envelopes shall be thoroughly completed, including the arrestee’s signature.
- When an arrestee refuses to sign the envelope, the officer shall write "Refused to Sign" on the inmate signature line.
- An arrestee’s money shall be deposited in the Intake Kiosk:
  - During the booking process, the FCJ booking officer will provide the Arresting/Transporting Officer with the arrestee’s Booking Number;
  - This number will be used to deposit the arrestee’s money into the Intake Kiosk;
  - The Intake Kiosk will dispense two (2) receipts when complete: One is to be initialed by the Arresting/Transporting Officer and then given to the FCJ booking officer along with the property. The second receipt shall be given to the arrestee.
  - When the arrestee has no money then a money envelope shall be properly filled out indicating the zero balance. The money envelope along with the arrestee’s property shall be given to the FCJ booking officer.

Any property belonging to an arrestee that is not accepted by the FCJ booking officer shall be booked into the PECS consistent with the guidelines of Procedure §804.

- Officers booking property from an arrestee into the PECS shall give a copy of the Property for Safe Keeping Receipt to the arrestee before he/she is booked.

K. **Miranda Warnings**

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

**Warning and Waiver Required**

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.

When advising arrested persons of their rights, officers should read the Miranda Warning verbatim and then should read, verbatim, the questions regarding the "Waiver of Rights."

- When the Miranda Warning and Waiver are given, officers shall note such fact in their report of the incident.
- Any waiver given by a suspect shall also be included in the report using the suspect’s exact words and/or gestures.
Warning Not Required
The following list of examples where Miranda warnings are not required is not intended to be all inclusive:

- The warnings are not required if the officer does not ask any question which is likely to produce an incriminating statement about the crime for which the person was arrested;
- The warnings are not required in order to obtain information needed to complete arrest tags or the booking process; and
- A person who, without any questioning by an officer, voluntarily makes an admission, statement, or confession shall not be interrupted to advise him/her of their rights. When an officer intends to ask any "clarifying" question following such an admission, statement or confession, he/she must then give the warnings and obtain a waiver before asking follow-up questions.

L. Serving Adult Warrants
Fresno County Warrants (FSD)
Officers making arrests on adult warrants held by the FSD shall transport the arrestee to the PPS for processing and should obtain the warrant abstract once they arrive at the FCJ.

Out-of-Town Warrants
Person’s detained pending arrest for an out-of-town warrant must be taken to the PPS. The arresting officer will:

- Contact the agency holding the warrant (usually by phone) to confirm the warrant and have them send a teletype abstract of the warrant to the Department;
- The agency, if within California, will be given the mnemonics "FRF0" to be used in addressing the abstract;
- Agencies outside of California will be given the ORI of CA0100500. Agencies outside of California may also need to be advised of the requirements of PC §850(b) to ensure that a legally complete abstract will be returned; and
- Normally, an arrestee cannot be booked until the abstract is received. In those cases where contact has been made with the originating agency and it has been determined that an abstract will not be sent for several hours, officers will:
  - Contact the FCJ booking section and advise them of the pending arrival of the abstract;
  - Complete the AR with as much detail as can be obtained from the Wanted Persons Entry, phone conversations, etc.;
  - Attach copies of the teletype "hit" to the AR;
  - Book the subject at the FCJ;
  - Be dispatched to retrieve the abstract when received by the Department;
  - The officer shall take the abstract to the FCJ to be attached to the prisoner’s paperwork; and
  - When abstracts are received prior to booking, they shall be inspected for completeness [PC § 850(b)] and shall be signed, dated and attached to the AR.

The PCD shall contain facts sufficient to document probable cause for each and every felony charge and for each count where a suspect is booked on multiple counts of the same charge

M. Responsibility for Arrestee
An officer's responsibility for an arrestee ends when the arrestee is booked.

N. Notice of Additional Charges
When additional charges are to be added after an arrestee is booked, officers shall complete the appropriate number of AR's consistent with the charges and case numbers involved.

- The words "Add-On Charges" shall be written at the top of the AR.

When the additional charge is a felony, the AR shall be routed to the CSB supervisors. Mug and Print shall be written next to "Add-On Charges" to alert CSB personnel of the need for processing the prisoner on the new charge.
The officer shall also complete the FSD "Notice of Additional Charges" form.

- Both the AR and Notice of Additional Charges shall be given to the FCJ intake officer.
- Officers delivering the AR to the FCJ shall request that it be forwarded to the mug room for processing in felony cases.

O. **P.C. 1203.2(a) Arrests**

When booking a suspect on the charge of PC §1203.2(a), members shall enter the Superior Court Case number (e.g. F10123456) in the ‘Warr #’ box of the charge screen for the PC §1203.2(a) violation. This number can be found on the Probation Department’s SHARENET website within the suspect’s record.

P. **Public Intoxication P.C. 647 (f)**

Members who detain individuals in violation of PC §647(f) (Public Intoxication) must meet the following criteria to be offered a voluntary alternative of transportation to the Rescue Mission / Poverello House as an alternative to booking at FCJ. Individuals qualify when:

- They are non-combative;
- They are ambulatory;
- They have no known, existing medical conditions requiring immediate medical attention;
- No controlled substance influence symptoms are present;
- No known, violent mental disorders are present; and
- They are not in possession of large amounts of personal property.

Individuals exercising this voluntary option can be dropped off at the Mission (males) or the Poverello House (females) on a 24-hour, 7-day a week basis.

- Officers shall update their events, if no case is prepared, with the time of drop-off and an indication of the detainees desire to choose this voluntary option.
- Similar information will be included in any case prepared in association with the detention.

Q. **Detention Releases P.C. 849(b)**

Officers may release from custody any person arrested without a warrant when:

- They are satisfied that there are insufficient grounds for making a criminal complaint against the person arrested;
- The person arrested was arrested for intoxication only, and no further proceedings are desirable;
- 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; or
- The person was arrested for driving under the influence of alcohol or drugs and the person is delivered to a hospital for medical treatment that prohibits immediate delivery before a magistrate.

When an individual is detained and released without an arrest, a report shall be drawn to document the details of the detention and the need for use of handcuffs or other restraints. Officers who release restrained persons pursuant to PC §849(b) shall also complete the Certificate of Release Form.

- A charge and the report number shall be included on the Certificate of Release Form.
- One copy shall be given to the arrestee and the remaining copies of the form shall be forwarded to Records, attached to the police report of the incident when possible.

When the incident does not otherwise require a report or when a citizen’s arrest is not accepted by the officer due to a lack of probable cause, the arresting officer shall complete a Synoptical report and make a notation "Synoptical" next to the report number on the Certificate of Release Form.
A. **Child Custody / Visitation Exchanges**

**ComCen Responsibilities**

Only the Court can change custody orders. This Department only enforces the Court Orders. Refer your RP to the Court of Jurisdiction if they wish to have any Court Orders Changed.

The ComCen shall also keep a current default list of approved exchange agencies that are predetermined each month.

Officers will not be dispatched to standby for a child custody exchange; unless it is believed there may be a potential custody order violation, child concealment, or other criminal act or domestic disturbance. Parties requesting a civil standby will be referred to the nearest Policing District Exchange Zone to facilitate child exchange in a neutral monitored environment.

**Officer Responsibilities**

When an officer is dispatched to perform a civil standby during a child custody/visitation exchange, the following guidelines will be followed:

- Officer response is limited to preserving the peace;
- When the involved parties have a custody order issued in California, only the most recent order may be enforced. When the involved parties do not have an existing custody order, each call for service shall be handled as a civil dispute;
- Each party shall be provided with a referral list of Supervised Child Visitation and Supervised Exchange Agencies; and
- When the child is 13 or older and refuses to go with the other parent even after speaking with law enforcement, do not use any force to enforce the custody order.
  - Document the statements of the child and parents in a General Incident report; and
  - Refer the parent requesting enforcement to return to family court to resolve the issue.

B. **Child Custody Complaints**

**ComCen Responsibility**

Upon receipt of a complaint regarding a child custody violation, the ESD shall determine whether the event is in-progress or a prior occurrence. When the event is in progress, a CFS shall be generated. When the event is a prior occurrence, the Reporting Party (R/P) shall be advised to complete an eReport for the Custody Order Violation via the Internet. No telephonic reports shall be taken involving child custody violations.

**Self Reporting Procedures**

Reports shall be filed via the Internet. The reports will automatically be issued a temporary case number. After the submitted report is reviewed and approved, a permanent number will be issued and automatically emailed to the reporting party.

**Duty Office Review of Self Reported Custody Order Violations**

The duty officer or other designee shall review the on-line Custody Order Violation reports completed by the public on a daily basis. If the reviewing officer discovers any indication that violence may be imminent, a CFS shall be generated and officers shall respond.

C. **Repossessions**

An officer's duty extends only to preserving the peace. Officers are not to attempt to resolve the issue of ownership or right of possession of the property in question.
Officers shall determine who is in possession of the questioned property at the time of his/her arrival. When the debtor is still in possession, he/she may voluntarily relinquish possession, but he/she is not required to do so. The creditor (or an agent) has no right to use force to take the property from the debtor.

When the creditor has taken possession, but has been unable to leave the premises, the debtor is still held to be in possession and does not have to relinquish the item(s).

When the repossession has been completed (the creditor has left with the property), the creditor is then held to be in legal possession and the debtor is considered to have lost possession.

**Exception:** When the subject of the repossession is a vehicle a repossession occurs (the repossession is complete) when the repossession gains entry to the vehicle or when the vehicle becomes connected (in any way) to a tow truck.

In any event, all involved parties shall be referred to contact their attorneys to resolve the issue through due process.

Under limited circumstances, an arrest may be made for disturbing the peace, trespassing, etc., however, voluntary compliance should be sought in order to minimize the need for arrest.

**D. Court Order Enforcement**

The different types of orders described in this section are generally identified by titles contained in the bottom margin of the court order form or the title on the CLETS hit.

The Confidential box shall be checked in RPW when documenting violations/possible violations of court orders in all DV investigations and the RP or victim's address and/or telephone number are unknown to the suspect.

**Orders to Show Cause**

Orders to Show Cause order a court appearance only and do not contain enforceable provisions. However, Orders to Show Cause may contain Temporary Restraining Orders (TRO).

**Temporary Restraining Orders (TRO)**

A TRO is a court order, issued prior to a formal hearing, which contains enforceable provisions which may include child custody and visitation directives, stay away and protection provisions, etc. TROs are valid until the date of hearing or as otherwise listed in the order.

TROs are enforceable anywhere in California by any law enforcement agency that has received the order, is shown a copy of it, or has verified its existence through the Restraining Order System (ROS) of CLETS (Family Code §6224). Officers shall enforce these orders whenever they can establish:

- That the order is valid. Validity is established by the signature or stamp of the issuing judge on the order and ensuring that the alleged violation is within the effective dates of the order;
- Reasonable cause to believe that the restrained party violated a provision of the order in the officer's presence or a victim is willing to make a citizen's arrest for a violation not committed in the officer's presence; and (PC §836(c)(1) allows a misdemeanor arrest for violation of a DV RO not committed in the officer's presence)
- Proof of service upon the restrained party or other proof of knowledge (e.g., his/her presence at the hearing where the order was issued, admission of knowledge, etc.)

When the restrained party has not been served, service shall be completed as provided for in Section E.

Prior to enforcement, members shall review the order to confirm that the above conditions have been met. Care shall be exercised to ensure that the most recent version of an order is reviewed. This may
be accomplished by contacting FPD and/or FSD Records for verification of dates on orders issued in Fresno County. For orders issued outside of Fresno County, the law enforcement agency of jurisdiction as indicated in the ROS entry should be contacted. It is not necessary that an order be in ROS or filed with a law enforcement agency before it can be enforced. It is only necessary to establish the above elements before enforcement shall be undertaken. If there are contradictory orders from two different courts, both of which appear to be valid, the Police Legal Advisor should be contacted.

TRO's may be reissued as a "Temporary Restraining Order Reissued" which is to be handled the same as an initial TRO.

Protected parties who do not have their court orders on file with the appropriate law enforcement agency should be directed to take copies to those agencies at their earliest convenience. When a copy of a valid order is received by the Records Bureau it shall be entered into ROS.

Restraining Order after Hearing
A Restraining Order after Hearing is issued after a judicial hearing and is valid for the period indicated on the face of the order. These orders establish specific conditions of restraint and may be used in conjunction with "Findings and Order after Hearing" orders.

Enforcement is handled in the same manner as TRO's.

Findings and Order after Hearing
This order establishes terms and conditions of custody and visitation, child support, spousal or family support, property, and other similar issues and are valid as specified or until modified.

E. Enforcement of Restraining Orders & EPO's
When an officer is made aware that a restraining order/EPO exists, but cannot verify proof of service or prior knowledge of the order by the restrained party, the officer shall, when the restrained party is present:

- Inform the restrained party of the terms of the order;
- Admonish the restrained party that he/she is now on notice and that violation of the order will result in arrest;
- Prepare a "Restraining/Emergency Protective Order Proof of Service Form". The FPD case number shall be inserted in the upper right hand corner of the form when applicable. When the proof of service is being served on an order in possession of the Sheriff's Department and there is no related FPD case number, the words "FSD Only" shall be inserted in the upper right hand corner. All blanks on the form shall be filled in with the exception of the "For Court Use Only" Box. The box labeled "Case Number" shall be used only for the court case number as listed on the restraining order. The space provided for the “Department Case Number” shall list the event number assigned to the call. The event synopsis shall include the Court Case Number. No report other than the Restraining/Emergency Protective Order Proof of Service Form is required when the only action being taken is service of a court order/EPO; and
- Distribute copies of the service form as follows:
  1. The white original page shall be forwarded to Records;
  2. One copy shall be provided to the protected party, when present;
  3. One copy shall be provided to the restrained party; and
  4. The fourth and any undelivered protected party copies shall also be forwarded to Records.

When the restrained party continues to violate the order after being advised of the terms, an arrest shall be made.

Service of Restraining Orders
Officers shall not be dispatched to serve restraining/protective/civil orders (with the exception of EPO’s). Additionally, officers should not be dispatched to perform a civil standby while the RP or their
agent performs this task, unless the RP can articulate that a credible danger exists requiring officer response.

F. **Orders Issued Outside of California**
Members who receive requests to enforce a TRO or court order issued in another state relative to child custody or child visitation **MUST** contact the Police Legal Advisor prior to taking or not taking any action based upon an out-of-state order.

G. **Removal of Tenants/Trespassers**
When a tenant refuses to vacate premises after being evicted the investigating member shall determine if an Eviction Restoration Notice has been properly executed. Completed forms should list the plaintiff, defendant, court, action taken, Sheriff's file number, county, signature of a sheriff's deputy, and the date. When the member verifies that the notice is complete and accurate, he/she is authorized to arrest the violator(s) under **PC §419**.

H. **Civil Standby to Preserve the Peace**
Civil Standby is defined as the presence of an officer to preserve the peace during an attempt to conduct a lawful civil process (other than vehicle repossession or service of restraining/protective/civil orders) which has the potential of inciting violence, but has not yet resulted in criminal acts.

Officers will not be dispatched to facilitate a civil standby, except in incidents suspected or known to involve domestic violence.

When a request for Civil Standby involving suspected or known incidents of domestic violence is received by the ComCen, a call for service will be created and an officer(s) dispatched consistent with the priority assigned to the incident. The ESD receiving the call shall advise the RP that an officer will be dispatched when one becomes available. When the ESD is aware that a substantial delay in response is likely, the RP shall be so advised.

The assigned officer(s) shall remain at the scene to preserve the peace until the potential for violence is reasonably reduced or is eliminated. Except as otherwise provided in this Manual or in law, officers shall not become directly involved in conducting the civil process which generated the call.

When dealing with a civil dispute, the officer should maintain the peace and determine who is in possession of any property in question at the time of his/her arrival. All involved parties shall be referred to contact their attorneys to resolve the issue through due process and if necessary, return to court for clarification. Officers shall contact their supervisor any time they are unsure on how to interpret the property ownership documents. When additional assistance is needed, the supervisor can contact the legal advisor. When the ownership is in question, no property shall be removed without a valid court order that clearly defines which party shall possess the property.
A. Notification Responsibility
The Asst. District Commander designated as PIO, Field Commander, or his/her designee is responsible for:

- Making the appropriate notifications (or arranging for them to be made);
- Making reasonable attempts to obtain as much information on the incident as possible before notification; and
- Making the notifications as soon as practical.

B. Staff Notification(s)
The Commander (or designee) of the district affected, will be notified along with the appropriate investigations lieutenant.

The Commander (or designee) will provide direction as to any further notifications they deemed necessary (e.g., the Chief of Police, Division Commander).

C. Blue Alert System Notifications
The purpose of a Blue Alert is to quickly coordinate and provide information to the public and solicit help in the safe and swift apprehension of suspects meeting specific criteria. A Blue Alert should only be implemented when all four of the below criteria have been met (Government Code §8594.5):

- A law enforcement officer has been killed, suffers serious bodily injury, or is assaulted with a deadly weapon, and the suspect has fled the scene of the offense;
- A law enforcement agency investigating the offense has determined that the suspect poses an imminent threat to the public or other law enforcement personnel;
- A detailed description of the suspect’s vehicle or license plate is available for broadcast; and
- Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

First Level Response Procedures (Field Supervisor)

- Confirm that each of the four criteria are met;
- Notify the Field Commander; and
- Confirm that ComCen has provided broadcast information to FSO, Clovis PD, local CHP (and others as indicated); and

Field Commander

- Obtain information, complete Blue Alert Info Sheet (see attached form);
- Send the information via email to the following recipients:

Second Level Response Procedures (Field Supervisor or Commander)

- Identify a location for media response; initiate MAPS thru ComCen for an on-site press conference ASAP. Provide full information and photograph of the suspect(s), request broadcast ASAP (go “live” if possible - DO NOT wait for the PIO.)
- Notify FPD Duty Office ( ), have them:
  - Initiate call-outs of:
    - PIO;
    - Homicide Unit, as needed; and
D. **Traffic Bureau Notification(s)**

The sergeant in charge of the Collision Reconstruction Unit (CRU) will be contacted through the ComCen when any major or fatal traffic collision occurs meeting the criteria for a call out. He/she will then contact the appropriate accident investigator.

The following is a list of collision types which require notification:

- Fatal collisions where the investigating member and scene supervisor believe a prima facie case exists to support a charge of murder, or vehicular manslaughter;
- Collisions likely to result in a fatality, where criminal charges may result;
- Fatal collisions where the cause cannot be determined by on scene personnel;
- Collisions with a fatality in which there is a reasonable belief that the collision did not cause the fatality;
- Collisions that result in the response of investigators of the National Transportation Safety Board (NTSB);
- Collisions that cause the spillage of a significant amount of hazardous material(s);
- Fatal or severe injury collisions where it is likely the City is exposed to civil liability;
- Any other collisions where technical assistance is required and the response is approved by a Commander.

E. **Public Information Officer (PIO)**

The PIO will be called after members of staff have been notified and it appears the media may have a strong interest in an incident.

F. **S.W.A.T. Notification**

If an incident requires a SWAT callout, the Commander in charge of SWAT will be notified through ComCen and briefed on the circumstance.

The SWAT Commander will make the final determination if SWAT will be utilized and may direct a partial or full call out.

The Duty Office is responsible for notification of all team members using the Code Red system and will contact the ComCen supervisor to advise of the SWAT call out.

The on scene commander (or designee) will be responsible for providing the Duty Office with the following information:

- Location of the Command Post;
- Radio channel(s) being used;
- Brief synopsis of the incident; and
- Directions on how SWAT members are to enter the area.

ComCen and the Duty Office will complete a log of those SWAT members logging on.

SWAT members not logged on within 10 minutes will be called at home after the first page.

Any SWAT member not available for call outs will notify the duty office of the date(s) and time(s) they will not be available.
G. Code Zero Notification
In the event of an active shooter or dynamic violent incident, a Code Zero notification may be initiated by ComCen, the Duty Office, RTCC personnel, a supervisor or staff officer.

During a Code Zero activation, all available SWAT or Special Response Team (SRT) members shall respond directly to the location of the Code Zero, and monitor radio traffic in the vicinity of the incident.

SWAT or SRT members shall respond wearing appropriate attire that readily identifies them as a member of the department.

H. Code Red Notification
The Code Red Emergency Notification System is intended to notify public safety personnel and/or citizens of the City of Fresno of an emergency situation that may require immediate attention and/or action.

Code Red may be activated at the discretion of the Chief of Police or his/her designee in emergency situations. Acceptable uses for emergency notification include, but are not limited to:
- Missing Persons (Children, Elderly, Disabled, or at risk)
- Escaped Fugitives
- Hazmat
- Evacuation Notifications
- Evacuation Routes
- Evacuation Shelters
- Bomb Threats
- Traffic Emergencies
- Suspect Pursuits
- Hostage Situations

The Duty Office is responsible for launching the notification using the Code Red System. These emergency notifications will come via (866) 419-5000. All notifications will contain the following admonishment: “DO NOT call 911 for further information unless you need immediate aid from the police or fire department.”

For non-emergency Code Red Notifications refer to Procedure §334.

I. E.O.D. Notification
The EOD Commander, through the ComCen, will be notified of all EOD requests and will direct the EOD response.

J. Detective Notification(s)
If the incident requires that a detective respond from home, the sergeant (or designee) of the appropriate investigative unit will be contacted. He/she will then contact the appropriate detective(s).

K. Media Notification
Text messaging notification shall be used to alert the news media of newsworthy events as soon as possible to allow the opportunity for on-the-scene coverage. The ComCen Supervisor has primary responsibility for making text message notifications when any of the following incidents has occurred:
- Plane crash;
- Drowning;
- Fatal accident of any type;
- Accident involving major traffic congestion or a danger to the public (e.g., hazardous chemical spills, etc);
- Major crime including, but not limited to: homicides, shootings (including officer involved), kidnapping, and bank robbery;
- Riots, serious disturbances, and hostage situations (when contained);
- Large drug seizures;
- Large stolen property recoveries; or
- News conferences called by the Department regarding any message of urgency.

As soon as possible after receiving confirmation that any of the above incidents is in progress or has just occurred, the field supervisor/field commander should call the ComCen by telephone or radio. The event location, type of event, and a contact person at the location should be given to the ComCen.

Text messaging notification may be used to update major events as they develop and to notify the media that detailed information on an event has been placed on the Newsline.

ESD's will immediately notify the ComCen Supervisor of any incidents described above which come to their attention.
A. **Forced Entry to Provide Emergency Assistance**

When information is received regarding sick, injured, or deceased persons inside residences the decision to proceed with forced entry should be made only after all other alternatives are exhausted. Entry should be immediate when it appears reasonably necessary to protect life. Extreme caution should be exercised to minimize the potential for a violent reaction by an unaware inhabitant.

**Securing Open Premises**

When available, a Citizen on Patrol (COP), Police Cadet II or CSO should be dispatched to standby and await a responsible party or the City contracted vendor to board up a private residence when:
- Forced entry has been made to render emergency assistance;
- Forced entry is anticipated; and
- The scene is secure.

B. **Requesting Ambulance/Paramedic**

When the need for medical aid has been identified, members shall immediately inform the Communications Center (ComCen) regarding:
- Number of victims;
- Nature or injury or illness;
- Age of victim(s);
- Whether victim is conscious and/or breathing;
- Any special instructions or needs; and
- If the scene is not safe to enter, a request to have EMS/Fire personnel to stand-by will be made.

C. **Coroner Notification**

When an officer arrives on scene of a deceased person(s), the ComCen will be contacted, who will in turn contact the coroner. The coroner shall be notified of any in-custody death.

**Exception:** When a follow-up investigator responds to investigate an incident, the coroner shall not be requested until the follow-up investigator authorizes it.

D. **Determining Death**

An officer will not make a determination of death except in cases where there is severe trauma or other obvious indications of death (rigor mortis, decapitation, etc.).

E. **Search of the Deceased**

An officer shall not search a deceased person.

**Exception:** Officers may search the bodies of persons killed in traffic accidents for an anatomical card or designation. If one is located, the coroner will be notified immediately.

F. **Death Notifications**

Pursuant to an agreement with the Coroner’s Office, death notifications will be made by either an FPD Homicide Unit Detective or an FPD Chaplain in the following circumstances:
- Homicide investigations – Notification made by Homicide Unit Detective;
- In-custody death investigation – Notification made by an FPD Chaplain; and
- Death resulting from officer involved shooting – Notification made by an FPD Chaplain.
NOTE: Unless FPD requests to continue the investigation, the Fresno County Coroner will continue to make all other death notifications (i.e. suicides, natural deaths, traffic related fatalities, suspicious deaths, etc.).

Safeguards Prior to Notification
When a death notification is to be delivered by a detective or Chaplain as a result of one of the above listed circumstances, the member making the notification shall ensure the following safeguards are strictly followed prior to the notification:

- Positive identification of the decedent (i.e. fingerprints) shall be made to avoid any undue trauma that may result from an incident of mistaken identity; and
- Identify the decedent’s next of kin (Spouse, parents, siblings, or relative) and make notification to only ONE of them.
  - Notifications needing to be made outside of this jurisdiction shall be coordinated with the appropriate local law enforcement agency or county coroner where the next of kin resides.

Notifications
The member making the death notification shall obtain the following information and provide it to the Fresno County Coroner via email after the notification:

- Name and date of birth of the decedent;
- Related FPD case number;
- Date and Time of the notification;
- Name, address, and telephone number of the person notified; and
- Name of the person making the notification.

G. Documentation
The following reports will be completed for an injury, illness, or death:

- A Crime Report will be completed if injury is from a criminal activity;
- A Casualty Report will be completed when the injury, illness, or death is the result of suspicious circumstances or potential liability to a public agency;
- A Casualty Report will be completed for a person under the age of 18 who is the victim of a self-inflicted or unintentional gunshot that requires medical attention; and
- A Casualty Report will be completed to document all End of Life Option Act deaths.

Natural deaths, excluding End of Life Option Act deaths, do not require a report when there are no suspicious circumstances present and:

- A doctor is in attendance;
- Victim is under hospice care;
- The death occurs within a nursing home; or
- The death occurs within a medical institution.

In all other cases of natural death, an officer shall be dispatched and a Casualty Report shall be completed.

H. Terminally-Ill Persons – End of Life Option Act
Death investigations involving a patient who has self-administered End of Life Option medications shall be treated as would any other death investigation including coroner notification when appropriate. End of Life Option Act investigations shall not be classified as suicide cases or homicide cases absent specific circumstances to support doing so. To meet the requirements of the End of Life Option Act, at the time of death the decedent must:

- Be 18 years of age or older;
- Be a resident of California;
- Have had the physical and mental ability to self-administer the medication;
• Have suffered from a terminal disease;
• Have submitted a written request witnessed by two individuals and two oral requests to their physician at least 15 days apart; and
• Within 48 hours prior to taking the drug, have signed a “final attestation” before ingesting the drug.

**Important Considerations**

• Patients must be capable of and must self-administer the drug(s). The intent of the law is to allow persons present to help by holding a cup or pouring medication into a feeding tube so long as the patient takes an “affirmative, conscious, and physical act” to take the medication into their body;
• No documentation is required by law to be present;
• If at the scene of an in-progress or just occurred ingestion of aid-in-dying medication, when determining if life-saving measures are necessary, officers must use their best judgment to determine the circumstances, while considering and respecting what could be a very spiritual or emotional scene;
• There may be a Do Not Resuscitate (DNR) order or a Physician Order for Life Sustaining Treatment (POLST) present; however, there is no requirement that the patient needs a DNR or POLST or that either needs to be presented to officers on the scene; and
• There is no mandate for one particular drug to be provided and physicians may vary in what drugs they prescribe. Leftover drugs, that are part of a death investigation, shall be collected and placed into evidence for destruction.
Expansion of Crime Scene Control

- The assigned officer on the call shall ensure that no unauthorized persons enter the crime scene (includes other officers and news media).
- Determine scope of general crime scene, such as outside terrain, garages, yards.
- Establish a perimeter; secure and protect the crime scene.
- Request additional units, if necessary, and assign to security positions.
- Request ropes, barricades, or other equipment necessary to protect scene and control spectators.
- Make no statements to the news media; refer media to detectives/P.I.O.
- Do not direct comments regarding incident to spectators, witnesses, etc.
- Do not touch areas or surfaces where possibility of evidence exists. (If available, wear gloves.)
- Do not smoke inside crime scene areas.
- Do not flush toilets or run water in sinks/tub.
- Record any alterations made at crime scene, such as unlocking doors, opening windows, turning lights on, etc., during your investigation.
- Depart from immediate crime scene using one route (preferably same as entry).
- Secure and protect the crime scene pending the arrival of detectives.

**** Attention ****

Searches of an emergency nature to locate suspect(s) or additional victims can be made. However, crime scene searches for evidence shall be made by detectives.

Assistance to Detectives

- Stand by for Detectives.
- Continue to protect crime scene until relieved by Detectives.
- Assist Detectives as directed.
- If so requested, submit a supplemental report containing all information obtained by officers during preliminary investigation.

Notifications

- Make notifications by telephone, if possible. (Do not use phones located inside the crime scene.)
- Record time of notification and person notified.
- Contact a supervisor and apprise him/her of the situation. Provide a call back number where you can be reached. The supervisor will contact the Duty Office and make notifications as appropriate. The supervisor will consult with the appropriate Detective supervisor for any death which is not clearly a natural death.
- Contact Detectives and be guided by their advice. (When Detectives are not on-duty, request the Duty Office contact the on-call detective unit.)

Suicide and Accident

- If death appears to be suicidal or accidental, handle as homicide. Proceed with homicide checklist, summarized below.
- Secure immediate scene.
- Preserve evidence such as pills, weapons, and vials, noting their original location(s).

Natural Deaths

- If possible, request responsible relative/party to remain with you.
- If possible, two officers should be present. **NOTE**: Do not search the body or premises.
Exceptions:
Doctors, FFD, and EMS will be permitted entry if necessary to protect life. Record names. **NOTE:** Persons allowed to enter crime scene shall be accompanied by an officer and cautioned regarding contamination or alteration of evidence.

Suspect in custody
- Determine if the suspect is armed. Search for weapons. **NOTE:** If a weapon is recovered, record the description and location found/discovered. Maintain custody of the weapon and be guided by a detective’s instruction regarding booking.
- Do not attempt to unload weapons or change the position of evidence. Maintain control.
- Handcuff the suspect as appropriate.
- If the suspect is arrested outside of the crime scene, do not return the suspect to the crime scene. If the suspect is apprehended inside, immediately remove from crime scene.
- Note and preserve evidence found on the suspect (blood, debris) and advise detectives.
- Do not permit the suspect to wash his hands or the use toilet, to avoid contamination of evidence on his/her person.
- Do not permit any communication between the suspect and other parties.
- Do not initiate the interrogation phase with the suspect.
- Do not Mirandize, but carefully record all spontaneous statements.
- Observe and record the behavior of the suspect, such as sweating, nervousness, emotions, erratic actions, or lack of usual behavior.
- Transport the suspect to Headquarters if directed by detectives or if the situation warrants.

Preliminary Investigation
- Witnesses: Isolate, separate. Do not permit them contact with any suspect. Obtain valid identification, complete an F.I. Card.
- Examine the entire crime scene area. (Preferably one officer) conduct a visual examination only. Use one route. **CAUTION:** Do not step on evidence.
- Determine history of illness and if a doctor has been in attendance.
- Request a supervisor.
A. 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.

B. NALOXONE NASAL SPRAY

Naloxone nasal spray is a fairly stable medication, with a shelf life between 18 months and two years. It should be stored between 59 and 86 degrees Fahrenheit, and should be kept away from direct sunlight. Members issued naloxone nasal spray shall have it readily available during their shift and be stored in the cab of the vehicle.

Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and exchanged at Equipment & Supply.

C. 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 LEMS.

Upon arriving at a scene of a medical emergency where it has been determined that an opioid overdose has likely occurred, the member shall:

- Secure the scene;
- Request EMS/Fire resources;
- Utilize universal precautions to protect against blood borne pathogens and other communicable diseases;
- Assess the patient to determine unresponsiveness and other indicators of an opioid-induced overdose;
- Provide first aid, rescue breathing, or CPR, if needed;
- Prepare and administer the naloxone hydrochloride in accordance with training;
• Be aware that patients revived from an opioid overdose may regain consciousness in an agitated or combative state, and may exhibit symptoms associated with withdrawal. Members should be prepared to use appropriate defensive tactics to prevent injury if necessary.

• If the naloxone is effective, immediately place the patient into and maintain the recovery position while providing supportive care until relieved by EMS or Fire personnel. Immediately notify EMS personnel of the use of the naloxone hydrochloride, the manner in which it was administered and the number of doses used.

• Unless the patient is conscious and able to refuse, he/she shall be transported to a medical facility once the Naloxone nasal spray has been administered.

• Used Naloxone nasal spray should be given to EMS to accompany the patient to the hospital or properly discarded in an appropriate biohazard disposal container, if not taken by EMS.

D. REPORTING REQUIREMENTS
The administration of the Naloxone nasal spray shall be documented in RPW. Members shall include the member’s observations of the necessity to deploy the naloxone, the number of doses, the manner of administration, and the final disposition of the patient.

Members shall notify their on-duty supervisor of the application. The supervisor shall complete the Naloxone Admin Report Form and send it via mail to the Fresno County Department of Public Health Central California Emergency Medical Services. A copy shall be forwarded to Records.

E. NALOXONE REPLACEMENT
Members requesting a replacement Naloxone nasal spray will be required to provide the case number in which the medication was used, or turn in the defective/expired medication when seeking a replacement.

F. 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.
A. **Reporting**

- In an effort to maintain uniformity in reporting, officers investigating the crime of identity theft (PC § 530.6) shall initiate a report for victims residing within the jurisdiction of this Department. For incidents of identity theft occurring outside this jurisdiction, members may either take a courtesy report to be forwarded to the victim’s residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

- While the crime of identity theft should be reported to the law enforcement agency where the victim resides, members should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in our jurisdiction).

- Members should include all known incidents of fraudulent activity and make every effort to obtain all financial information (e.g., account numbers, financial institution/business information, etc.) related to those incidents.

- Members should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

- Members shall provide victims with a Fresno Police Department Identity Theft Information Brochure and discuss identity theft prevention methods with them.

- Members shall have the victim sign an Identity Theft Victims Fraudulent Account Information Request Form (PC § 530.8). The form shall be submitted along with the officer’s report.
A. **Officer Responsibilities**

**Private Person Arrest (Unlawful):**
- Promptly release the arrested individual; and
- Advise the parties that the detainee shall be released and the circumstances will be documented in a report.

**Private Person Arrest (Lawful):**
- Take the individual into physical custody for booking; or
- Release the individual pursuant to a notice to appear; or
- Release the individual pursuant to PC §849; or
- Where no physical arrest is desired, officers may inform the private person that a report will be made and they can later request case review should they desire prosecution in the future.
  - When the victim later desires prosecution, he/she shall be advised to wait at least 7 days for the report to be entered into the system before responding to the Records Counter at HQ during normal business hours to complete a ‘Request for Case Review’ form. The victim shall not be referred to the DA’s Office for prosecution. The victim shall also be advised that if they take no action, no charges will be filed.

B. **Documentation**

**Private Person Arrest (Unlawful):**
- A report detailing the basis of determination to release; and
- A completed PC §849(b) form, signed by the officer authorizing the release.

**Private Person Arrest (Lawful):**
- A report detailing the circumstances of the arrest and statements of involved parties/witnesses;
- **Citation:** Arresting Citizen/Party signs Notification to Appear and retains the pink copy; or
- **Arrest Report:** When the citizen’s arrest requires the suspect to be booked, an Arrest Report shall be completed in RPW.
  - The circumstances of the private person's arrest shall be listed in the narrative portion of the ‘Arrest Details’ section.
A. **Types of LEP Assistance Available**

The Department will make reasonable efforts to provide meaningful and timely assistance to LEP individuals through a variety of services.

- 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.
  - The Department may decide to provide its own independent interpreter when 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.
- Officers should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source.
- Where the Department provides the LEP services, members shall first utilize certified Department interpreters and translators from the City of Fresno Bilingual Certification List (BCL).
  - The BCL is accessible by all members via the Intranet utilizing the ‘Employee Apps’ button within PDWEB or at [http://bcl.police.fresno](http://bcl.police.fresno).
  - Members may request assistance from any on-duty member listed on the BCL.

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:

**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. A request for other bilingual staff may be made through the ComCen.

When bilingual members of the Department are not available, employees from other departments within the area may be requested by a supervisor depending on the circumstances.

**Translated Documents**

Members shall have translated documents (including Sexual Assault and Domestic Violence Victim Information Form, DMV DUI Combination Form, Towed Vehicle Information Sheet) in the following languages (Spanish and Hmong) available to them in the field when they may have contact with LEP persons. Additional documents are located on the Intranet at: L:\LIBRARY\FORMS\Translated Public Documents – LEP. The public will have access to translated Complaint Brochures and Information Advisory for Personnel Complaints at all public counters.

When LEP documents have not been translated into an LEP individual’s primary language or in the case of illiteracy, the document will be read to him/her using an interpreter. The Audits and Inspections Unit will be responsible for reviewing Department documents on an annual basis to assess whether additional documents should be translated into frequently-encountered foreign languages. Should a Department member identify the need for a document, letter, or note to be translated, the member shall contact the Audits and Inspection Unit to request a translation.

**Audio Recordings**

The Department may develop audio recordings of important information needed by LEP individuals.

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.
Telephone Interpreter Services
Through Voiance, the Department provides 24-hour telephone access to interpreters who speak more than 140 languages.

This service may be accessed by dialing and providing account number . At the prompt, enter the 4-digit PIN: ComCen is or Patrol is . Follow the instructions for entering your employee number and the language needed.

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; and
- Churches.

In addition, the Volunteer Unit will attempt to maintain and update a list of qualified community volunteers.

Family and Friends of LEP Individuals
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.

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

C. Posting of Available Services
Forms printed in available languages should be maintained in a conspicuous location at public counters and other appropriate areas such as a booking area. The Department will post signage in frequently encountered languages in places of public contact stating that language assistance services are available.

D. 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, the Department has designated its 911 lines as its top priority for language services.

Members will make every reasonable effort to promptly accommodate LEP individuals utilizing 911 lines through the resources discussed in Section E below.

It is also important that reasonable efforts be made to accommodate LEP individuals seeking more routine access to services and information from the Department.
E. **Telephone Contact**
Members who have telephone contact, whether incoming or outgoing with a LEP person, should utilize Language Line Services to assure clear communications. When Language Line Services is unavailable, members should utilize a certified Department interpreter. Non-certified interpreters should be used when other resources are not readily available.

F. **Field Encounters**
Members who have field contact with LEP persons shall assess the most appropriate LEP assistance available depending on the seriousness of the situation. When a criminal investigation involves a felony violation of law, every effort shall be made to utilize a certified interpreter or translator. When a certified interpreter or translator is not available, LEP services may include, but are not limited to: Language Line Services 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 (Refer to Family and Friends of LEP Individuals listed in Section A above).

G. **Walk in Encounters**
Members who have contact with LEP persons at a police facility should attempt to locate a certified or non-certified Department interpreter to assist. When an interpreter is not available, the language line service should be utilized.

H. **Custodial Interrogations and Bookings**
In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, the Department places a high priority on providing competent interpretation and translation during custodial situations. Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. Members providing interpretation or translation services, or forms in these situations, will make every reasonable effort to accurately interpret all communications with LEP individuals. Members shall use a certified interpreter or translator to clearly communicate with the LEP suspect or arrestee, whether in written or spoken form. Where no certified interpreter is available, Language Line Services shall be used. It should be recognized that interpretation services conducted over telephone lines are less effective than live interpretation and more prone to misunderstandings. Miranda warnings are available to officers in English and Spanish. When Miranda warnings have not been translated into a suspect’s primary language or in the case of illiteracy, the admonishment will be read to him/her using an interpreter.

Members providing language assistance services shall also 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.
- The need to segregate the arrestee from other prisoners.

Therefore it is important to make every reasonable effort to provide effective language services in these situations.

I. **Field Enforcement and Investigations**
Field enforcement will generally include such contacts as:
- Traffic stops;
- Pedestrian stops;
- Serving warrants and restraining orders; and
• Crowd/traffic control.

Each member must assess each such situation to determine the need and availability for interpretation and/or translation services to LEP individuals. Although not every situation can be addressed within this procedure, 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. It would also, for example, be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

J. Complaint Investigations
Any LEP individual who wishes to file a complaint with the Department alleging police misconduct shall be provided with a translated Complaint Brochure and Information Advisory for Personnel Complaints, as available. Department members should utilize a certified interpreter to communicate with LEP complainants during a complaint investigation. When a certified interpreter is not available, members shall utilize the other language assistance resources as appropriate. The Department will provide written notice of the disposition of any complaint in the LEP complainant's primary language.

K. Community Outreach
Community outreach programs and other such services offered by the 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. This may be accomplished through the use of bilingual Department members and programs such as the Hispanic Residents Academy.
Not every situation regarding the hearing impaired/disabled communications can be addressed within this procedure. It is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an individual with a disability.

A. **Receiving and Responding to Requests for Assistance**

Members will make every reasonable effort to promptly accommodate such individuals with disabilities utilizing 911 lines through any or all available 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.

B. **Factors to Consider**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members 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:

- 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;
- The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision);
- The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact, etc.); and
- Availability of auxiliary aids.

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 imposing undue burdens on the Department or its members.

C. **Initial and Immediate Considerations**

Recognizing that various law enforcement encounters can 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 to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected communication disabilities.

D. **Types of Assistance Available**

Members should document the type of communication utilized, in any related report or document and whether an individual with a disability elected to use services provided by the Department or some other source.

Department provided services may include, but are not limited to the following:

**Field Resources**

Members are encouraged to utilize resources available to them in any contact with a person with a known or suspected disability.

Examples would include such simple methods as:
• Hand gestures or written communications exchanged between the member and a deaf or hard of hearing individual;
• Facing an individual utilizing lip reading and speaking normally and clearly; and
• Clearly but normally speaking or reading simple terms to any visually or mentally disabled individual.

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 or utilize a photocopier to enlarge printed forms for a visually impaired individual.

Qualified 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. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time (generally not to exceed one hour).

TTY and Relay Services
Individuals who are deaf or hard of hearing must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by the Department.

Community Volunteers
Depending on the circumstances, location and availability, members of the community may be available to provide qualified interpreter services, (e.g. those who are proficient in American Sign Language (ASL)).

Sources for these individuals may include:
• Local businesses;
• Banks;
• Churches;
• Neighborhood leaders; and
• School officials.

In addition to such sources, the Department will attempt to maintain and update a list of community volunteers who may be available to respond within a reasonable time (generally not to exceed one hour).

Family and Friends
While family and friends of an individual with a disability may often offer to assist with interpretation, members should consider the circumstances before relying on such individuals (e.g. children should not be relied upon except in emergency or critical situations, the nature of the relationship between the individual with a disability and the individual offering services (victim/suspect)).

E. Contact Situations and Reporting
When any member of the Department is 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 or document (e.g., event comment). All written communications in a criminal case should be attached to the report or placed into evidence.

F. Custodial Interrogations and Bookings
Members providing 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 member.
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.

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 to make every reasonable effort to provide effective communication assistance in these situations.

- Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.
- While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheelchair 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.

G. **Field Enforcement and Investigations**

Members must assess each such situation to determine the need and availability of communication assistance for all involved individuals with disabilities. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.
A. Mandatory Reporting
When a school or community care facility employee is arrested for any offense enumerated below the member must immediately notify his/her supervisor when the person is a:

- Public school teacher, public school non-teacher employee, or private school teacher 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
- Community College instructor 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 offenses enumerated in PC §290 or in PC §261(a)(1); or
- Community care facility employee arrested for child abuse (as defined in PC §11165.6).

B. Supervisor Responsibility

Public School Teacher:
- Notify the Chief of Police or designee or his/her designee so that he/she may immediately telephone the superintendent of the school district.
- A written notice shall immediately be given to the Commission on Teaching Credentialing and the superintendent.

Public School Non-Teacher Employee:
- Notify the Chief of Police or designee or his/her designee so that he/she may immediately telephone the superintendent of the school district.
- A written notice shall immediately be given to the governing board of the school district.

Private School Teacher:
- Notify the Chief of Police or designee or his/her designee so that he/she may immediately telephone the private school authority employing the teacher.
- A written notice shall immediately be given to the private school authority.

The written notice shall be made on the Commission on Teacher Credentialing Notification Form and mailed to:

ATTN: Legal & Professional Standards Branch Commission on Teacher Credentialing
1812 Ninth Street
Sacramento, CA 95814-7000

Community College Instructor:
- Notify the Chief of Police or designee or his/her designee so that he/she may immediately telephone the superintendent of the community college district
- A written notice shall immediately be given to the California College Chancellor’s Office

Community Care Facility Employee:
- The investigating member shall notify the licensee of the charge of abuse.

C. Documentation
- See Procedure §344
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.

A. **Blood Evidence**
A Department phlebotomist will be available for blood draws on arrests made between 1800-0400 hours, seven days a week. He/she will be logged on to the traffic channel or can be paged through ComCen.

- The on-duty phlebotomist will be stationed at the Traffic Bureau.
- The phlebotomist shall have all necessary supplies to complete blood draws and necessary paperwork for evidence.
- During DUI checkpoints, a phlebotomist will be stationed at the checkpoints and will be available to all personnel.

Officers shall utilize the department phlebotomist unless injury to the suspect requires them to be transported to a hospital for medical treatment. The officer shall then utilize hospital staff to draw a blood sample and will follow the protocol established by that hospital.

B. **Blood Draws**
Blood draws will be used unless the person is:

- Afflicted with hemophilia; or
- Afflicted with a heart conditions and is using an anti-coagulant under the direction of a physician.

If the person is afflicted with any of the above, he/she shall not be required to take a blood test. An alternate chemical test shall be provided.

**Blood Collection**
Two vials of blood shall be obtained when blood is drawn.

The phlebotomist will be available to respond to either the scene of the DUI, the Traffic Bureau, or any neutral location deemed appropriate by the investigating officer.

**Blood Container Labeling**
- Fill out the label and envelope and have the person drawing the blood initial the label and affix it firmly to the tube or vial.
- Place the sample in the CVT envelope, fill out the necessary information and immediately seal using the gummed flap and transparent tape.
- If a CVT label is not available, a label shall be produced including:
  - Full name of suspect;
  - Date and time blood drawn;
  - Initials of person drawing blood; and
  - Initials of witnessing officer.
- If a CVT envelope is not available, the container used shall include:
  - Full name of suspect;
  - Submitting agency and the name of the county where the arrest occurred;
  - Geographical location where blood was drawn (e.g., Community Regional Medical Center (CRMC), DUI Trailer, etc.);
  - Name and person drawing blood sample;
  - Date and time blood drawn;
Signature of witnessing officer;
A form for establishing the chain of possession for all persons handling the evidence; and
The violation(s) committed.

- When the witnessing officer is not the arresting officer and is not writing the original report, he/she shall write a Supplemental Report with the blood withdrawal and disposition information included.
- If the offense being tested for is not traffic related, the offense code and section will be placed in the offense section of the envelope followed by "NTR".

**Documentation**

In addition to Procedure § 344, Officers shall include the following in their report:

- The name and title of the person drawing blood;
- Which arm the blood was drawn from;
- If force was used to obtain the sample or if it was obtained after a refusal; and
- A description and disposition of all evidence obtained.

**Booking Blood Evidence**

- Misdemeanor evidence may be booked at HQ or the Traffic Bureau
- Felony evidence shall be booked only at HQ

**C. Blood Samples for Comparative Purposes**

- Blood collected for evidence comparison purposes shall be booked into the PECS refrigerator located at HQ.
- A PER shall be completed and placed with the blood vial envelope in the refrigerator

**NOTE:** All procedures listed under “Blood Container Labeling”, “Documentation”, and “Booking Blood Evidence” also applies to obtaining blood samples for comparative purposes.

**D. Urine Container and Labeling**

One 2 oz. sample is required for analysis.

- Officer will use the designated collection vial available from CSB for samples collected at HQ.
- If the sample is collected at another location (e.g. a hospital) a similarly sized container designed for urine collection and containing a sodium fluoride preservative may be used.
- The designated label (available at CSB) will be completed and attached to all urine samples
- The vials will be inserted into the "Urine Sample" envelope (available at CSB) after all the blanks on the envelope have been completed
- The envelope will then be sealed and secured with transparent tape.

**E. Booking Urine Evidence**

- Alcohol only: Blood-Urine Drop Box located in PECS
- Drug/drug & alcohol: PECS refrigerator
Fresno Police Department Procedures Manual

DNA Samples

Corresponding Policy 374: DNA Samples

A. Qualification for DNA Samples
   - After an arrest, or as soon as administratively practicable after an arrest (but prior to release from custody), adult arrestees charged with any felony offenses are required to provide DNA samples per PC §296(a)(2)(C).

   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 [PC §298.1(a)].

B. 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. When an individual is qualified and required to provide DNA samples under the Act, and the individual is not in-custody, (e.g., sex registrants or arson registrants), a trained and authorized Crime Scene Bureau (CSB) member designated by a supervisor shall obtain DNA samples in accordance with this procedure.

   Blood Samples
   The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. Blood samples obtained for submission to the Department of Justice DNA lab shall be placed in Department of Justice blood vials [PC §§298(a) and (b)(2)]. A right thumbprint shall be placed on the sample vial along with other required identifying information.

   Buccal Swabs
   Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed departmentally approved training in the collection of buccal swabs and with the use of Department of Justice buccal swab collectors. [PC §§298(a) and (b)(3)]. A right thumbprint shall be placed on the collector along with other required identifying information.

   (Note: If an individual violently resists or presents other officer safety issues, employees may omit buccal swab samples upon approval of a supervisor.)

   Full Palm Prints
   Full palm print impressions shall be obtained on Department of Justice prescribed forms along with all DNA samples. (PC §298(b)(4)).

C. Sample Collection Refusals
   CSB Technicians should make every effort to obtain a DNA sample and palm print impressions from qualified adult arrestees and to avoid refusals. When an arrestee, who meets the criteria for DNA sample collection pursuant to PC §296, refuses to provide a DNA sample, the CSB Technician(s) shall advise the arresting officer. The arresting officer shall verbally inform the arrestee that if he/she fails to provide a DNA sample and thumb and palm impressions pursuant to PC §296 that he/she will be charged with PC §298.1(a), a misdemeanor.

   When an arrestee refuses to provide the required DNA sample and thumb and palm prints, the arresting officer shall charge the arrestee with PC §298.1(a), a misdemeanor, and include the refusal information in the original report. When appropriate, a misdemeanor citation shall be completed consistent with Procedure §420.
The CSB Technician(s) shall write “Refused DNA/palm collection” on the arrest report in the “Identification Bureau Use Only” field prior to the arrestee being transported to Jail to alert the Jail staff that collection was refused and a forced DNA sample collection (blood draw, etc.) is required.

D. Processing DNA Samples
All DNA samples and related materials shall be promptly forwarded to the DNA Lab using DOJ mailing tubes, labels and instructions for prompt analysis. [PC §§298(a) and (b)(1)].

Notice of a Rejected Sample
In the event the Department of Justice notifies the Department that a DNA sample or print impression is not usable, the individual whose original sample or impression was provided is required to submit to collection of additional samples. The Department shall thereafter take all reasonable steps to collect additional samples from any such individual and promptly transmit these to the Department of Justice [PC §296.2(a)].

Follow-Up Notice to DOJ
Within two years of submitting any DNA specimen, sample or impression to the Department of Justice, this department shall notify DOJ whether the individual remains a suspect in a criminal investigation [PC §297(b)(2)]. It shall be the responsibility of the Department of Justice to thereafter purge samples of any individual(s) who are no longer a suspect in any criminal investigation from the DNA database.

E. 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 (PC §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 [PC §299.5(i)(1)(A)].
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.

A. Definitions

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)

B. Gun Violence Restraining Order

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 petition should describe the number, types and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code §18107).

Based on circumstances, three types of GVRO may be issued by the courts:
1. Emergency GVRO;
2. Temporary GVRO; and
3. GVRO, issued after notice and a hearing.

C. Emergency GVRO

GVRO’s can be issued 24 hours per day, seven days per week.

A judicial officer may issue a GVRO whenever a law enforcement officer asserts reasonable grounds to believe both of the following:
• The subject of the petition poses an immediate and present danger of causing personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm; and
• An emergency gun violence restraining order is necessary to prevent personal injury to the subject of the petition or another because less restrictive alternatives either, have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the circumstances of the subject of the petition [Penal Code §18125(a)].

Procedures for Issuance of GVRO’s

A judicial officer shall be contacted, through the Court Dispatch Center at 457-4999, regardless of the time of day. Between the hours of 1800-0600, weekends, and court holidays, calls will be forwarded and processed by Sheriff’s Department Communications Center. The determination of the designated judicial officer to issue or not to issue a GVRO will be final.

Note: The temporary inability of FSD dispatch to locate a judicial officer does not relieve officers of their obligations under this section.
The investigating officer shall ensure that the reporting party understands the circumstances under which a GVRO can be issued.

The expiration date for GVRO’s shall be the 21st calendar day following the day of issuance.

The issuing officer shall inform the reporting party of:

- The expiration date and time of the GVRO; and
- The need to apply to the court for a temporary restraining order beyond that date.

The officer who completes a GVRO shall turn the GVRO in to the Records Bureau by the completion of their shift.

A GVRO shall be served upon the restrained party by the issuing officer when the restrained party can be reasonably located. When the restrained party cannot be located, the issuing officer shall contact the ComCen to have a premise history placed on the affected addresses listing the name of the restrained party and the fact that an unserved GVRO is on file in the Records Bureau. The premise history shall include the GVRO's date of expiration. When a valid GVRO is in effect and proof of service has been verified, the officer shall use every reasonable means to enforce the order.

**Required Reports for GVRO**

When a GVRO is issued, the issuing officer shall:

- Prepare a GIR entitled “GVRO”;
- The person to be restrained shall be listed as an “Involved Party”; and
- The person(s) contacted during the investigation shall be listed as the “Reporting Party” or “Witness”, as applicable.

**Distribution of GVRO Forms**

- The white copy shall be turned in to the Records Bureau by the end of the work shift;
- One copy shall be provided to the Court; and
- One copy shall be provided to the restrained party, when present

Records shall maintain a 21-day file of all served and unserved GVRO’s

**Verification of GVRO’s**

Prior to enforcement of a GVRO, officers shall determine if the order is valid, by contacting the issuing agency or examining a copy of the order to establish:

- The order has not expired;
- Whether proof of service or prior notice exists or can be established; and
- The terms of the restraining order.

**Unserved GVRO’s**

When an officer is in possession of an unserved copy of a GVRO and encounters the restrained party within the effective period, he/she shall provide the copy to the restrained party and shall complete the "Restraining/Emergency Protective Order Proof of Service Form”.

All other officers encountering unserved restrained parties listed in active GVRO’s (and other court orders) shall follow the procedures listed above.

**D. Temporary GVRO’s**

A police officer or an immediate family member may request a temporary GVRO from the Fresno County Superior Court, 1100 Van Ness Ave, Fresno, CA during normal court business hours. (Penal Code § 18150) An affidavit which sets forth the facts establishing the grounds for the petition must be completed.
Any Emergency GVRO issued by a member shall be reviewed by a SVS detective to determine if an affidavit needs to be submitted on behalf of the Department.

A court may issue a temporary GVRO against a person if the petitioner shows good cause to believe there is a substantial likelihood that the subject of the petition will, in the near future, cause personal injury to self or others by owning or possessing a firearm, and that the temporary GVRO is necessary to prevent such injury because less restrictive alternatives have been deemed ineffective, inadequate, or inappropriate.

The order will remain effective for 21 calendar days after its issuance. The court must provide a hearing for the restrained person within this 21-day effective period to determine whether a more permanent GVRO is warranted or if the order is no longer necessary and the firearms should be returned to the subject of the order.

E. **GVRO After Notice Hearing**
Subsequent to the temporary GVRO hearing, the court will schedule another hearing to determine whether there is a need to order a more “permanent” order or to terminate the temporary restraining order. The prohibited person will receive notice of this hearing. During this proceeding, the court may hear from the restrained party seeking to terminate the order.

   The court may also hear from the petitioner seeking the order and from any witnesses produced by the petitioner. After hearing all of the evidence, the court may extend the GVRO up to one year. The evidentiary requirements and standard of review for this order are similar to any temporary restraining order.

F. **Service of GVRO**
An officer serving any gun violence restraining order shall:

- Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code §18120);
- Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code §18250);
- Inform the restrained person of any scheduled hearing regarding the order (Penal Code §18160);
- Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code §18115); and
- As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Manager for prompt entry into the California Restraining and Protective Order System (Penal Code §18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with Procedure §804 - Property and Evidence.

G. **Search Warrants**
When a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with Procedure §323 - Search Warrant/Pre-Planned Tactical Operations. Additionally, (Penal Code §1542.5):

- The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence.

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restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search;

- If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
  - The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access; and
  - There is no evidence that the owner unlawfully possesses the firearm or ammunition; and

- If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner’s presence.

H. Records Manager Responsibilities
The Records Manager is responsible for ensuring:

- Proof of service of any GVRO served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code §18115);
- Oral orders are entered into the California Restraining and Protective Order System (Penal Code §18140); and
- Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code §18120).

I. Court Ordered Firearms and Ammunition Surrenders
Authorized members shall accept firearms and ammunition from any individual who is the subject of a GVRO. The member receiving any firearm or ammunition shall:

- Record the individual’s name, address and telephone number;
- Record the serial number of the firearm;
- Prepare an incident report and property report;
- Provide a property receipt to the individual who surrendered the firearms and ammunition; and
- Package and submit the firearms and ammunition in accordance with Procedure §804 - Property and Evidence.

J. Release of Firearms and Ammunition
Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a GVRO shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code §18120 and Procedure §804 - Property and Evidence.
A. **General Guidelines**

Members who handle CFS should be in service within five minutes after the end of briefing.

- Supervisors shall limit briefings to 15 minutes unless the supervisor has specific training needs and the ComCen supervisor is notified prior to briefing.
- Members shall take care of their equipment and personal concerns prior to the start of briefing.
- After log-on members are to respond directly to their sector assignments or their dispatched location.
- When no vehicles are available, members shall log on by voice and wait for the next available vehicle and go into service as soon as possible.

Supervisors shall ensure all members under their supervision are logged on within five minutes after the conclusion of briefing.

District commanders shall ensure that appropriate action is taken to ensure compliance with this order.

Supervisors shall ensure that members who respond to CFS do not log-off or go out of service earlier than five minutes prior to the end of their shift. Members are subject to dispatch to priority "0" and "1" calls up to this time.

Members who handle CFS shall not initiate any discretionary administrative events (any administrative duties except those necessary to get the unit in service and keep the unit in service with the necessary operable equipment) at any time when priority "0" and "1" calls are holding in their area.

Members are responsible for making contact with their supervisor any time they are on a call that exceeds two hours, or has the likelihood of exceeding two hours, to advise him/her of the nature of the call and the anticipated clearance time of the call. The supervisor should see if they can assist in expediting the delay and returning the member to service.

On occasion, some guidelines of this procedure may be temporarily modified by the Division Commander to address operational matters.

- This modification shall be provided by memorandum to all Patrol members and shall specify the duration of the modification.

B. **Daily Activity Report (DAR) – a.k.a. Stat Sheets**

The Daily Activity Report (DAR) shall be used by members 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.

**Arrests**

When a person is arrested, only one arrest statistic shall be claimed.

**Example:** An officer arresting a person for a felony and a misdemeanor may only claim an arrest in one of the categories.
**Exception:** When a person being arrested for a felony or misdemeanor charge is also being charged with H&S § 11550 or DUI, the H&S § 11550 or DUI may also be claimed along with the felony or misdemeanor.

**Traffic Citations**

- **Hazardous Violations:** For the purpose of the DAR, hazardous traffic citations are any citations issued to the operator or passenger of a moving vehicle or bicycle for a hazardous violation.
  - A hazardous violation is defined as any violation involving the safe operation of a motor vehicle or bicycle which could be listed as the primary collision factor for an accident.
  - This definition specifically excludes license, registration, or equipment/mechanical violations (including passenger restraint), alcohol possession, parking, or any other violation which does not involve unsafe operation of the vehicle or bicycle.

The number of citations claimed on the DAR shall be based on the number of citations issued, not the number of violations on the citations. Traffic citations issued for misdemeanor hazardous traffic violations, except as stated under “Arrest”, shall not be counted as both a misdemeanor arrest and a citation.

- **Non-Hazardous Violations:** All traffic citations which do not contain hazardous violations, are considered non-hazardous citations and shall be recorded in the appropriate column of the DAR. When both hazardous and non-hazardous violations are contained on the same citation, it shall be recorded only as a hazardous citation.

Only CSO’s/Cadet’s shall record the number of citations issued to parked vehicles in the Traffic Cites column.

**Reports**

The following shall be recorded as a report on the DAR:

- A crime;
- Casualty;
- General incident;
- Supplemental;
- Traffic collision;
- Missing person; and
- Missing person close out.

The following are not to be claimed as reports on the DAR:

- Vehicle Inventory Reports;
- WIC § 5150 applications;
- Arrest reports, even when they are the only documentation (e.g., warrant arrest, public intoxication arrest, parole violation); and
- Synoptical
  - **Exception:** CSO’s/Cadet’s may claim a Synoptical as a report.

**Calls**

A call for service for DAR purposes is a call that has been received in the ComCen and is subsequently dispatched.

- Calls for service do not include self-initiated activity such as traffic stops, checking suspicious persons or circumstances, or patrol checks.
- Results from these self-initiated events will be reflected in the categories of traffic citations, arrests, FI’s, and reports written.
Events Involving Multiple Officers
Double units, or two members with equal participation in an event, may decide how statistics are to be divided, such as one member claiming the entire arrest cite, report, etc., or both members claiming .5 in a category.

- Both members shall not claim the entire arrest, cite, report, etc.
- Statistics, including arrests, shall not be divided up among more than two members for DAR purposes.

Situations Not Addressed Above
When determining how statistics are to be claimed in situations not described above, the same spirit and intent of the above instructions shall be used, which is, to accurately reflect the number of arrests made, traffic citations issued, reports written, FI's completed, and calls for service handled.

Members may record activity from extra duty outside their regularly scheduled work days, such as when working as a volunteer replacement or filling a vacancy. A notation reflecting the day as being extra duty shall be made in the miscellaneous column.

C. Accuracy and Completion of DAR’s
Members shall complete the DAR at the end of their duty shift and shall not hold information from one shift to another.

- The DAR shall be submitted to the designated collection point at the end of the watch on the member’s last work day of the month.

All data entered onto the form shall be accurate and complete.

Supervisors shall randomly check the accuracy of their subordinates’ DAR’s on a monthly basis to assure conformance with the reporting guidelines set forth in this order.
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, 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.

A. **Guidelines**

Racial or bias-based profiling is strictly prohibited. However, nothing in this procedure 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).

- It is the responsibility of all members to prevent, report, and respond appropriately to identify discriminatory or biased practices.
- Members engaging in a non-consensual contact shall be prepared to articulate sufficient reasonable suspicion to justify the contact, independent of the individual's protected class, including but not limited to, traffic stops, field contacts, detentions, as well as asset seizure and forfeiture proceedings.
  - Nothing in this procedure requires any prepared documentation of a contact that would not otherwise require reporting.
  - To the extent that written documentation is completed (e.g., arrest report, F.I. card, etc.), members should include those facts giving rise to reasonable suspicion or probable cause for the contact.
  - While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by an officer 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).

B. **Stop Data Collection System**

The Stop Data Collection System (SDCS) is a web based demographic data collection system for lawful detentions, administered by the State of California. Participation in the SDCS is required under Assembly Bill 953 for certain law enforcement agencies, including the Fresno Police Department. The data collected is similar to what the Department has been collecting for over 17 years, however there will be some changes as to when stop data will be collected and transmitted;

- If multiple agencies are involved in a stop and the Department is the primary agency, a Department officer shall collect the data elements and prepare the stop data report.
- When multiple officers conduct a stop, the officer with the highest level of engagement with the person detained shall collect the data elements and prepare the report.
- A SDCS entry shall be completed when a passenger in a vehicle stopped becomes detained independent of the traffic stop.

Enforcement operations, including DUI checkpoints, which stop vehicles at regular intervals are exempt from this requirement, unless the officer develops individualized suspicion regarding an occupant in the vehicle, i.e., driver appears to be under the influence of alcohol/drugs, passenger is wanted.
An officer shall complete all stop reports for stops made during their shift by the end of that shift, unless exigent circumstances preclude doing so. In such circumstances, the data shall be completed as soon as practicable.

B. **Training**
   - Sworn members will attend POST approved training on the subject of racial profiling.
   - Pending participation in such POST approved training and at all times, members are encouraged to familiarize themselves with and consider racial and cultural differences among members of our community.
   - Members will thereafter be required to complete an approved refresher course every five years or sooner if deemed necessary in order to keep current with changing racial and cultural trends [PC §13519.4(i)].

C. **Annual Administrative Review**
   The Audit & Inspections Unit (AIU) will conduct a documented annual administrative review of agency practices including public concerns and complaints regarding bias-based profiling.
   - This will include an IA database search for any inquiries or complaints alleging bias-based police practices and review of monthly minutes regarding complaints received at Chief’s Advisory Board (CAB) committee meetings.
   - This information will be included in the Annual Bias-Based Policing Report with recommendations regarding training issues, policies and procedures, and any changes to Federal or State mandates.
A. **District Commander Role**

When an officer/CSO returns to patrol, the district commander of the assigned district shall notify the PTO Coordinator of the need to re-acclimate the returning officer/CSO to patrol.

- The PTO Coordinator shall be responsible for assigning the returning officer to a PTO and for monitoring the re-entry process.

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.

- The district commander is responsible for monitoring the returning sergeant’s re-acclimation process.
- The district commander is responsible for ensuring that the returning sergeant promptly receives RPW/Data 911 training or update training.

B. **Police Training Officer Role**

The PTO will review a re-introduction package of materials that are developed by the PTO Coordinator, with the officer/CSO and ensure that the officer/CSO understands the material.

- The PTO and the returning officer/CSO must sign the check-off sheet indicating the information was covered.
- The re-introduction process is generally two-weeks long, but may be completed sooner or extended when necessary.
- Should the re-introduction process uncover performance problems, the PTO shall notify his/her immediate supervisor along with the PTO Coordinator to implement remedial instruction/training to correct the performance issue.

**Release Procedures**

The re-introduction process is an extension of the police training program.

- The returning officer/CSO will not be tested on the material.
- The check off package, signed off by district command staff as having been completed, will be sent to the Training Bureau for inclusion in the returning officer’s/CSO’s training file.

C. **Sergeant Re-Entry Program**

The same purpose for re-entry training for officers/CSOs applies to sergeants as stated above.

D. **Sergeant’s Role**

The sergeant being shadowed is responsible for exposing the returning sergeant to:

- Any new field sergeant responsibilities,
- RPW/Data 911 updates;
- Patrol car computer functions;
- Report reviewing functions;
- Updates to the pursuit and accident investigation procedures;
- Identifying the pursuit and accident critique officers; and
- Other tasks as identified.

The returning sergeant is responsible for identifying any additional areas where he/she believes he/she needs assistance with acclimating back to patrol. The returning sergeant shall advise the sergeant being shadowed, or his/her commander when necessary, of the identified areas needing assistance.
Release Procedures
The district commander determines when the re-acclimation process is complete.

- It should be based on the sergeant's demonstrated ability to perform effectively in his/her new assignment.
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 his/her absence or for training purposes.

A. **Purpose and Scope**

Briefing should accomplish, at a minimum, the following basic tasks:

- Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations;
- Notifying officers of changes in schedules and assignments;
- Notifying officers of new Policy & Procedural updates;
- Reviewing recent incidents for training purposes; and
- Providing training on a variety of subjects.

Members who wish to address members of a particular bureau, section, unit, or who wish a notice read to all members of a bureau, section, or unit must first obtain the permission of the affected bureau, section, or unit commander/supervisor.

B. **Supervisor Responsibility**

Supervisors prior to the beginning of their shift shall download the weekly “Briefing” training information available in the GroupWise folder labeled “Briefing Training”. Information should be printed out and shared with all members attending the briefing.

Supervisors not assigned to patrol shall have at least one meeting each week where the weekly briefing training is shared with all members of their unit or bureau.

Members not in attendance shall be given a photocopy of the briefing information. This includes members working a partial shift or not in attendance due to illness or vacation.

Any supervisor receiving a notice for reading at briefing or other general dissemination shall first ensure that it has been cleared through the proper commanding member. Certain documents such as missing person broadcasts, wanted subjects, etc. do not require prior approval.
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.

A. Initial Response
The following list describes the first responder’s function at a crime or disaster scene. This list is not intended to be all-inclusive and is not necessarily in this order:

- Ensure no subjects are still within the area;
- Broadcast emergency information including all requests for additional assistance;
- Provide first aid to injured parties if it can be done safely;
- Secure the inner perimeter with crime scene tape;
- Protect items of apparent evidently value; and
- Start chronological crime scene log noting all times and personnel allowed access.

B. First Arriving Officers Duties
- Record exact time of arrival.
- If ambulance crew is not present, determine if possibility of life exists.
- Enter immediate crime scene to view the victim (preferably one officer, use one path).
- If any possibility of life exists, apply appropriate rescue and first aid techniques and summon ambulance to scene.
- Record any alterations to crime scene that were necessary (lights, body moved) if entry into the crime scene is necessary to ascertain victim’s condition.
- Protect the crime scene.
- If victim is removed from scene by ambulance crew, ensure that one officer accompanies victim to hospital. If death is imminent, attempt to elicit a dying declaration.
- If victim’s clothing is removed at the hospital, the accompanying officer shall maintain control of clothing and turn them over to the Crime Scene Investigations (CSI).
- Attempt to record names, addresses, DOB’s, and telephone numbers of all persons at crime scene. Remove them from immediate area and maintain control.
- If ambulance crew is present, record names, work addresses and phone numbers.
- Determine if ambulance crew or any other person moved the body or any items within crime scene. If any alterations were made, record:
  - What alterations were made and when;
  - Purpose for making alteration; and
  - Responsible party.
- Initiate and maintain crime scene log, recording names, badge numbers of personnel at scene; time arrived and departed. Include in follow-up report under heading “Personnel Log.”
- If RP is present, obtain valid identification, record identity and knowledge of crime.
- If suspect has just fled the crime scene prior to officer’s arrival, initiate crime broadcast if information is available.
- Supplemental broadcasts as necessary.

C. Crime Scene Entry
Members Entering Crime Scenes
The primary member is responsible for maintaining strict control over all other persons entering the crime scene. No member shall enter the scene of a crime without good reason and the knowledge and consent of the primary investigating member except when necessary to protect lives or property.
Public Entry
No member of the public shall be allowed entry to a crime scene without good reason and legal right. The entry must be approved by the primary investigator and any affected private property owner.

D. 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 Watch Commander.

E. Requesting & Directing Crime Scene Assistance
Assisting Field Personnel
Primary investigating officers may direct other field personnel to assist them at a crime scene with the collection of evidence, preservation of the scene, or other needed activities. The primary field officer is ultimately responsible for the proper handling and reporting of crime scene investigations. He/she should, therefore, ensure that the direction given to assisting personnel was complied with.

Processing for Evidence
Primary investigating members have responsibility for the processing of most crime scenes for latent prints and other evidence. The exceptions are those crime scenes which require special expertise and/or equipment. In the absence of a CSI technician or other evidence technician, the primary member is responsible for properly processing, collecting, and booking evidence. Members shall exercise good judgment when processing crime scenes, devoting sufficient time and effort to each scene as warranted by the circumstances.

Latent Print Evidence
- All surfaces which a suspect may have reasonably touched should be processed unless they are absolutely unsuitable (e.g., wet, burned, cloth, etc.).
- A low probability of success alone is not an acceptable reason not to process for prints
- When a crime scene is not dusted for prints, the member’s narrative in the report will reflect the specific reasoning.
- When available, a CSO, Cadet, or other member shall be dispatched to process latent prints.
- Each finger print lifted will be marked with all required information, including:
  - Location from which the print was lifted; and
  - General description of the areas processed.
- Latent print evidence will be placed in a latent print envelop, properly marked, and sealed by the member at the scene.
- The evidence will be placed in a latent print locker

Crime Scene Investigations (CSI) Response
Scenes that should be processed by a CSI Technician include but are not limited to:
- Homicides and attempt homicides and suspicious deaths;
- Officer involved shooting;
- Rapes; ADW’s; robberies; gun violence
- Kidnapping (where a possibility of evidence exists);
- Bombing;
- Fatal or probable fatal vehicle accidents;
- Aircraft accidents; and
- Incidents where there is a probability of future litigation against the City.

CSI should also be used for processing crime scenes under the following circumstances:
- When officers have used force against an individual (injuries or lack of injuries);
- Crimes of violence involving weapons, including ADW, PC 246, etc. (e.g. for collection of shell casings, expended rounds, or edged weapons containing blood evidence);
• Crimes resulting in significant injury or hospitalization;
• Sexual assault with visible injury;
• Child abuse with visible injury;
• Injuries of a sensitive nature;
• Commercial or home invasion robbery;
• Situations in which a personnel complaint has been made or appears likely to be made;
• City vehicle involved collisions; and
• When requested by a sergeant.

Circumstances under which CSI shall respond for photographs include:
• Incidents of domestic violence involving strangulation; and
• Child neglect cases resulting from unsanitary conditions in the household.

Investigating members who request a CSI technician for the purpose of taking photographs in incidents not listed above shall retain the responsibility for the latent print processing as well as the collection and booking of any other evidence at the scene.

When a CSI technician is called upon to process a scene, an officer will remain at the scene under all circumstances which pose a threat to the safety of the Tech. When a Tech feels the need for an officer to respond to a scene to stand by, the ComCen will dispatch an officer to the scene without delay.

F. **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).
A. **Pre-Planned Event**  
The Incident Commander will make an assessment of the number of potential arrests and whether they may be peaceful or violent. Based on that assessment, the Incident Commander will configure arrest teams to safely manage multiple arrests.

In addition to planning for the number of arrests, the Incident Commander will have identified a staging location for transport vehicles and the area to process mass arrests.

After the event has been declared an unlawful assembly and dispersal order procedures have been followed as set forth in Procedure §409, pre-designated arrest teams will take the prisoners from the place of demonstrating to the designated processing / holding area.

B. **Spontaneous Incidents**  
Incidents may arise in the field which requires 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.

C. **Arrest Procedures**  
After the persons identified for arrest have been isolated and contained, the designated arresting officers will take those persons into custody and deliver them to the processing personnel.

- If the arrested persons are not to be released from the scene, they will be detained at a pre-determined area until such time as they can be transported to the designated holding area.
- The receiving officer shall ensure that sufficient information is listed on the Arrest Report/Citation to identify the arresting officer and the charges for which the person was arrested.

D. **Processing Procedures**  
The following provisions for carrying out mass arrests will be handled in the prescribed manner:

- Arrest;
- Processing;
- Confinement/holding; and
- Booking or Cite and Release as applicable.

Once the prisoner has been processed, he/she will be detained at a designated holding area until such time that he/she can be transported for booking.

When booking is required, the transporting member will deliver the prisoner along with their booking paperwork and personal property to FCJ/FCJH.

E. **Juvenile Offenders**  
Juvenile prisoners will be segregated from adult prisoners.

Disposition of juvenile prisoners shall be consistent with Policy/Procedure §324.

Juveniles who are accompanied by an adult or parent who is arrested, if possible, will be released to a non-custodial adult who may lawfully take custody of the juvenile. If they cannot be released to an adult and are not arrested, they will be processed as a W&I §300.
F. Identification of Prisoners
The identity of all prisoners shall be verified by means of a valid photo ID, such as a California Driver's License or California ID card issued by the Department of Motor Vehicles, prior to release in the field.
- A picture of the prisoner, along with the arresting officer will be taken.
- The prisoner will hold a placard containing his/her name, date of arrest and other pertinent information.

Those prisoners whose identity cannot be verified in the field shall be transported to the Crime Scene Investigation Bureau.
- Members shall make every attempt to ensure the prisoner's proper identity consistent with Procedure §§324 and 355 prior to cite and release or booking.

G. Transportation
Prisoner transportation shall be accomplished by means of available city vehicles. Transportation vehicles should be located in close proximity to the designated holding area.

Unless called upon to assume another role, transportation officers/personnel should remain with their assigned vehicle, both for transport availability and security reasons.

H. Evidence
Items taken as evidence at the scene will be processed in accordance with the guidelines set forth in Procedure §804.

I. Security
Security shall be maintained at the staging area of vehicles and equipment. Officers will be assigned at the processing and holding area to protect against escape attempts or the destruction of property.

J. Defense Counsel Visits
Visits from counsel generally are not allowed during the booking process.

K. Court and Prosecutorial Liaison
In the pre-planning stages where mass arrests are anticipated, the City Attorney's Office and/or District Attorney's office should be consulted to ensure the proper charging of prisoners.

L. Food, Water, and Sanitation
Sufficient food, water, and sanitation facilities will be provided when it is anticipated that prisoners will be detained in the field for prolonged periods of time.

M. Medical Treatment
If available, arrangements should be made to have EMS personnel on scene throughout the event.

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.
A. Appropriate Situations for use of SWAT

The following are incidents that may indicate the need for activation of the SWAT:

- A sniper or suspected sniper;
- Barricaded suspects who refuse an order to surrender;
- Hostage situations;
- Aircraft hijacking when the aircraft is on the ground;
- The need to apply chemical agents;
- High risk search or arrest warrant service; or
- Any situation where a SWAT activation could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

B. Field Unit Responsibilities

While waiting for the SWAT Team, field personnel should, if safe and practical:

- Establish an inner and outer perimeter;
- Establish a command post outside of the inner perimeter;
- Evacuate any injured persons or citizens in the zone of danger;
- Attempt to establish preliminary communication with the suspect;
- Be prepared to brief the SWAT Commander on the situation; and
- Preparation of a SWAT Intelligence Report.

C. On-scene Command Responsibilities

Upon arrival of SWAT at the scene, the Incident Commander shall brief the SWAT Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy SWAT. Once the Incident Commander authorizes deployment, the SWAT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for SWAT.

D. Activation Procedures for SWAT

When it is determined that SWAT activation is necessary, the Duty Office shall implement the established activation procedure. SWAT and support elements are activated via pager by the Duty Office. The following pager activation codes will be used:

- Code 10 - Stand-by for a possible SWAT call-up
- Code 11 - SWAT call-up and check voice mail for additional information
- Code 12 - Cancel SWAT call-up
- Code 13 - Check voice mail for information

Unless canceled by the SWAT Commander or his/her designee, the following members will respond to SWAT activations:

- All SWAT Team members;
- SWAT bus personnel;

Procedure 408

Corresponding Policy 408: S.W.A.T.
E. Crisis Negotiation Team

The Crisis Negotiation Team shall be called to respond to incidents where reasonable resolution attempts by other members have been unsuccessful, as a result of incidents involving:

- Suicidal persons;
- SWAT calls.

The decision to request the Crisis Negotiation Team will most often be at the discretion of the Commander on duty. In his/her absence, a field supervisor will determine whether a Crisis Negotiation Team response is required.

As soon as it is determined that a Crisis Negotiation Team call-up is necessary, the Duty Office shall implement the established call-up procedure. The Incident Commander, SWAT Unit Commander, Assistant Unit Commander, or a Team Leader in the Commander's absence, shall be notified of all requests for the Crisis Negotiation Team, whether or not a SWAT call-up has been initiated.

F. Communication with SWAT Personnel

Members who are not part of SWAT should refrain from any contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Crisis Negotiation Team personnel directly. All such communications shall be channeled through the Negotiation Team Sergeant or his or her designee.

G. SWAT Member Availability

SWAT members accept the responsibility of being available twenty four hours a day and seven days a week, to respond for immediate deployment during SWAT activations. It is understood that certain situations may delay or prevent members from deployment and each situation will be evaluated by SWAT supervisors to determine the reasonableness of the delay or absence.

SWAT members with pre-planned unavailability (e.g., vacation, out of town training, etc.) shall notify their respective SWAT supervisor in reasonable time in advance of the event.

H. SWAT Members Assigned Vehicles

SWAT members will be assigned either a marked or an unmarked Department vehicle equipped with a kill switch or factory installed anti-theft device, depending on the member's full time assignment and vehicle availability.

SWAT members will adhere to Policy and Procedure 703, with the following exemptions and restrictions:

- SWAT members are allowed increased flexibility to utilize their assigned Department vehicle when they are off duty. To better protect and serve the citizens of Fresno, SWAT members must be available to immediately respond to life threatening incidents with all their equipment.
- SWAT members may use their assigned Department vehicles for personal use, in situations that would otherwise create an extensive delayed response to SWAT activation, by having to...
Family members and non-Department members shall not be transported in a Department vehicle.

- SWAT members shall not use their Department vehicle should there be a detectable amount of alcohol or narcotics in their system. SWAT members shall not use their Department vehicle to frequent any bar, casino, or establishment that would reflect a negative image on the Department. SWAT members shall not use their Department vehicle for child custody exchanges, any civil action the member is personally involved in, any outside employment, self-employed business, or other use that would reasonably appear to be a conflict of interest.

- SWAT members shall use discretion when using their assigned vehicle outside the scope of their duties, with a priority placed on the benefit to the Department over that of the member.

- SWAT members parking their Department vehicle at home shall remove all SWAT equipment, unless the vehicle is stored in an enclosed locked garage. SWAT members should not leave their Department vehicle containing SWAT equipment in areas with limited security for extended periods, in order to minimize the possibility of theft of the vehicle and/or equipment. SWAT members shall activate the kill switch or factory installed anti-theft device when their take home vehicle is parked anywhere outside of an enclosed garage.

I. SWAT Members Assigned Weapons

SWAT members shall be assigned their Department issued SWAT rifles. The issuance of SWAT rifles is contingent on whether the security measures listed below are achieved by the SWAT member. When a member does not achieve the required weapon security measures, he/she is prohibited from taking his/her rifle home and must leave it on the SWAT Bus.

When SWAT members are off duty, SWAT rifles shall be stored unloaded, with the safety on, and the magazine removed. SWAT rifles shall be either:

- In a member’s personally owned gun safe that is commercially manufactured and meets CA DOJ requirements or approved by a SWAT supervisor when the gun safe is of custom manufacturing;
- In the member’s Department issued vehicle with a kill switch or factory installed anti-theft device activated, secured in a locking metal security box with the vehicle locked and stored in an enclosed and locked garage. SWAT take home vehicles shall be equipped when parked.
A. **Demonstrations and Labor Disputes**
In dealing with demonstrations and/or labor disputes officers should familiarize themselves with PC §§148, 302, 402, 403 through 410, 415 through 418, 647c, 726 and 727.

B. **Authority on State/Federal Property**
Members have the authority to take action and make arrests for State offenses committed on local, State (e.g., college campuses) and Federal Government property.

C. **Procedures on Arrival**
At a demonstration or unplanned event:
- The first unit to arrive shall survey the situation and shall advise the responding supervisor of the approximate size of the crowd, its actions and any possible weapons and will then report to a staging area as directed by the supervisor in charge;
- The supervisor shall determine the need for additional units and will advise the ComCen of the staging area where officers are to meet and immediately notify the Traffic and Special Services Commander for consideration of a layered response.
- The vehicles of responding officers shall be parked together, with officers assigned to guard the vehicles;
- The primary duty of officers is to preserve the peace. Officers shall make de-escalation of the demonstration a priority and adopt a guardian mindset toward the demonstrators.

- The district, or field commander or Traffic and Special Services Commander is responsible for initiating requests for mutual aid from other agencies, when needed. When the district, or field commander or Traffic and Special Services Commander determines that all available on duty personnel from the Department and assisting agencies cannot handle the situation, he/she shall notify the CSU duty officer to initiate emergency call-up procedures.

D. **Labor Disputes**
Prior to receipt of a court order, the Department will remain neutral and serve only to preserve the peace and investigate or arrest for crimes committed.

Upon receipt of a valid court order, it shall be read to those assembled in English and, when necessary, in a secondary language (e.g., Spanish, Hmong, Lao, etc.).

- After reading the full order, the ranking officer will declare the assembly unlawful, again in English and appropriate secondary language.
- Officers shall verify the clarity of the reading of the order as provided under pre-arrest procedures below.
- Duplicate copies of the order should be acquired to provide to participants involved in the civil disorder.
The members of the tactical squad will maintain notes and make a police report on their observations of the individuals under surveillance at the conclusion of each day or upon completion of their assignment.

E. **Crowd Control / Crowd Dispersal**
All efforts to disperse a crowd or to make arrests should be conducted in appropriate formation. Officers shall remain in the squad formation unless ordered to do otherwise.

When a demonstration becomes riotous and the police are unable to restrain attendees or after sufficient time is provided to allow dispersal, those who remain may be taken into custody under PC §409.

The order to disperse shall follow the below format and shall be read three times in English and when necessary, an appropriate secondary language, at approximately 30 second intervals:

"I, (name), am a peace officer of the State of California, and a police officer for the City of Fresno. I declare this to be an unlawful assembly in violation of the law, and I command you in the name of the People of the State of California to immediately disperse and leave the area of this unlawful assembly. If you fail to do so, you will be arrested."

(Spanish)"Yo, (name), soy un oficial de paz del estado de California, y oficial de policia en el departamento de policia de la ciudad de Fresno. Yo les ordeno en el nombre de los habitantes del estado de California, que inmediatamente se dispersen y abandonen este lugar en que se lleva al cabo esta junta ilicita. Si ustedes no abandonan este lugar, ustedes seran arrestados."

F. **Pre-Arrest Procedures**
When it is determined that arrests are to be made, officers shall:

- Position a public address system facing the crowd with the volume adjusted so that it can be heard in all areas to which a dispersal order may be directed. Officers shall be stationed at the farthest reaches of the crowd to determine that the system and subsequent announcements can be heard;
- Ensure that video and audio recordings of the activities of the participants of the civil disorder are made during and after the reading of the orders; and
- Read the nuisance declaration and dispersal order and verify with perimeter officers that all readings were audible to all areas. When any part of the dispersal order was inaudible, the order shall be re-read so that all persons in the area are able to hear the order.

When the orders were audible, arrest procedures may be started.

G. **Physical Arrest**

The individuals arrested should be taken to a waiting bus or holding area. A picture of the arrested individual, along with the arresting officer, shall be taken. The arrestee will hold a placard containing his/her name, date of arrest and other pertinent information.
I. **Special Event/Operation**

**Definitions:**

- **Special Event or Operation** – Any anticipated or planned event including parades, entertainment/sports events, funerals, motorcades, or other events that require a coordinated law enforcement response to ensure the safety of the public.

- **Event Coordinator** – A designated staff officer of supervisor, depending upon the anticipated size of the event, with the responsibility and authority for decisions related to the assignment and coordination of resources at the event.

**Request for Service**

The Chief of Police and/or the Support & Special Services Division Commander will determine whether or not a special event will be coordinated by the Special Events Section. The criteria will be determined by the type and size of event.

All Commanders requesting the Special Events Section to coordinate the policing of an event will submit a request through their chain of command to their division chief. Once an event has been assigned to the Special Events Section, the approval of all permits, planning and coordination of services will be directed through the Special Events Section. District resources will be provided to the Special Events Section Commander to assist with the policing of the events, and those resources will remain under his/her control until the conclusion of the event.

Reoccurring events (Veterans Day Parade, Mardi Gras, etc.) will require a request to the Special Events Section Commander a minimum of thirty days in advance, or will not be considered. Large scale events that develop rapidly (Protests, Presidential escorts, etc.) will not fall under the thirty day restriction.
Event Coordination
Events that are not coordinated by the Special Events Section will be staffed at the District level. The Chief of Police and/or a Division Commander will designate a staff officer or supervisor, depending upon the anticipated size of the event, as the Event Coordinator. The Event Coordinator shall have responsibility and authority for decisions related to the assignment and coordination of resources at the event.

After Action Report
The Event Coordinator shall prepare an After Action Report for submission through their chain of command. The report shall identify an overview of the operation, summarize any unusual incidents which occurred during the event, and provide any information that would assist in future operations of a similar nature.
A. **Guidelines**

The following is a list of guidelines for participants to follow:

- 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 any time.
- 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 Department member 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.

B. **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 the 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.

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).

**Associates of Department Members**

Department members scheduling a ride-along for personal associates are responsible for the following:

- Members will ensure that the ride-along is free from current criminal activity and felony criminal history. If there is any doubt weather the person is eligible for a ride-along, the member will
refer the associate to the Patrol Division secretary for a formal interview process and criminal history check;

- Members will contact the Duty Office at least one and one half (1.5) hours prior to the beginning of the patrol shift and provide the first and last name of the ride-along and the desired district and watch. Only one ride-along will be scheduled in each district and watch; and
- Members will ensure that the liability waiver is completed by the ride-along prior to the beginning of the patrol shift. Forms are available at each of the district stations and at the Duty Office. These forms will be forwarded to the Patrol Division when completed.

C. **Availability**

Ride-Along participants may request a specific shift and area, but will be assigned based on availability.

D. **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.

**Automatic Disqualification**

- Being under 16 years of age; or
- Being on probation or parole.

E. **Peace Officer Ride-Along**

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 Section B listed above. 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 Procedure §1048, “Police Cadet Program.”

F. **Department Member Responsibilities**

- The Department member shall advise the ComCen that a ride-along is present in the vehicle before going into service.
- Department members shall consider the safety of the ride-along at all times.
- Department members should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety.
- The ESD will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The 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. These instructions should include:

- The ride-along 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;
- The ride-along may terminate the ride at any time or the ride may be terminated by the Department member if the ride-along interferes with the performance of the member’s duties. In either case the Department member will return the participant to the district station;
- Ride-Alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety;
- Department members will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person; and
• Under no circumstance shall a civilian ride along be permitted to enter a private residence with a Department member without the expressed consent of the resident or other authorized person.
A. **Hazardous Material Response**
Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. Members should take certain steps to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- If safe, attempt to identify the type of hazardous substance which may be determined by the placard, driver’s manifest or statements from any person transporting the material in question;
- Maintain a safe distance from substance;
- Stay up wind and uphill if possible;
- Do not use flares near substance;
- Do not breathe fumes in attempts to identify its nature;
- Identify any witnesses to the incident and isolate and detain them for interview by FFD personnel;
- Notify ComCen and other arriving emergency services units; of any safety issues (e.g. directions for entry, additional hazards or immediate needs)
- Provide first-aid for injured parties if it can be done safely and without personal contamination;
- Begin evacuation of immediate area (minimum 100 yds) and surrounding areas depending on the involved substance. This evacuation is considered voluntary; however depending on the substance, mandatory evacuation may be necessary under the authority of PC § 409.5;
- Close the contaminated area to minimize congestion and maximize freedom of movement by FFD personnel and equipment under the authority of VC §§ 2812 and 21707; and
- When barricades are necessary or beneficial, the employee will advise ComCen of the number needed and the location for the Street Maintenance Division to deliver them.

B. **Reporting Exposure(s)**
Members who believe that they have been exposed to a hazardous material will immediately report this exposure to a supervisor.

- When a supervisor has been informed that a member has been exposed to a hazardous material, he/she will ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.
- The supervisor is also responsible for completing all appropriate paperwork for workers comp along with the applicable report of injury form.
- Any injury or illness caused or believed to be caused from exposure to hazardous materials will be reported the same as any other on-duty injury or illness in addition to any crime report or incident report, if required.

C. **Supervisor Responsibility**
A supervisor will be dispatched to direct police activity at the scene of any hazardous material incident.

- In all circumstances, the on scene FFD Incident Commander, has ultimate authority over all fire activity at the scene of any hazardous material incident.
- The on scene supervisor will consult with the FFD incident commander for the purpose of coordinating police and fire response.
- Should the incident require long-term commitment of Departmental resources, the on scene supervisor will brief the field commander.
D. **Post-Incident Security**

The FFD retains primary responsibility for locating an owner or person responsible for a premise.

When the owner or responsible party cannot be located, FFD personnel are responsible for notifying FPD that security personnel will be required to secure the scene.

- Upon receiving this notification, ComCen will contact a private security firm to secure the scene.
- A party directly associated with the premise (e.g., employee) can be used in lieu of private security until the owner/responsible party can respond.
A. **Purpose**
The purpose of this procedure is to define three levels of readiness of public schools in Fresno, the role and responsibilities of the Student Resource Officer (SRO) and Student Neighborhood Resource Officer (SNRO), and to prevent and react to violent situations on any campus. The three levels of readiness are Safe School Environment, School Alert, and School Lock-Down. 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.

B. **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, encourage compliance with 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. SROs and SNROs assist in the development and monitoring of these safety features.

C. **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.
D. **School Lock-Down**
This is the highest state of readiness that is activated when gun violence is occurring or is imminent on campus, or any other situation deemed by police or school staff to warrant a total lock-down of the campus.

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E. **Student Resource Officer**
SRO’s are officer positions that are contracted with local school districts. The contracts specifically limit the SRO’s services to their assigned school campuses. The SRO should not, without approval from the SRO supervisor, be dispatched to calls for service away from or not directly related to their assigned schools.

F. **Student Neighborhood Resource Officer**
SNRO’s are officer positions that are contracted with local school districts. The contracts specifically limit the SNRO’s services to their assigned school campuses and the surrounding neighborhoods. The SNRO should not, without approval from the SNRO supervisor, be dispatched to calls for service away from or not directly related to their assigned schools or neighborhoods.

G. **Investigation of and Response to School Threats**
Schools may receive threats from a variety of sources including social media, overheard conversations, graffiti on buildings, etc. The investigation of threats to schools shall receive high priority. The Department’s goals are to utilize necessary resources to prevent violence and restore a sense of safety to the campus or school event as quickly as possible. Department resources will work collaboratively to achieve these goals.
When a patrol officer receives information of a suspected school threat, he/she shall:

- Contact the victim(s), witness, or reporting party to investigate the matter further as circumstances may dictate;
- Notify a supervisor as soon as practical;
- Take all reasonable steps to preserve any evidence that establishes a school threat has occurred; and
- Interview the victim(s), witness(es), and others to determine what circumstances, if any, indicate that a school threat has occurred.

Upon notification of a school threat, the field supervisor shall:

- Respond to the scene to determine what additional resources may be needed, if any;
- Ensure that the scene is properly processed and evidence is collected;
- Visit the victims and assure them that the investigation will be actively pursued;
- Notify the ComCen, the affected District Commander and field commander of the situation;
- When possible, arrange for an immediate increase of patrols throughout the affected area;
- Consider additional assistance, including call-outs, from the School Resources Unit officer where the threat originated from, the affected District Investigations Unit, Street Violence Bureau (SVB), MAGEC, VICE and other resources as needed; and
- Ensure that the report of the event is complete.

The affected District Commander shall assume primary investigative responsibility and:

- Ensure sufficient resources are made available for the duration of the incident to re-establish a sense of safety and security (e.g., high visibility Patrol units; Motors; District detectives, etc.);
- Provide regular updates regarding the incident to the Patrol Division Commander;
- Personally meet with the school’s principal, or designee, to explain the Department’s response; and
- Ensure that victims and other concerned parties are informed of any case clearance.

In the event that the threat is received during non-school hours, the field supervisor responsible for the location will notify the affected District Investigations Supervisor or SRO Supervisor. They will determine if there is a need to call-in the SNRO or SRO responsible for the school where the threat is occurring. The District Investigations Supervisor will also make a determination as to whether or not a District Investigator will need to be called in as well. Should there be a call-in, the member(s) called in will assume investigative responsibility of the threat.

The SRO supervisor shall also:

- Ensure that a Code Red alert is sent out to all staff as soon as practical;
- Coordinate law enforcement efforts with the appropriate school officials; and
- Provide regular updates regarding the incident to the affected District Commander.

The member(s) called in will be the lead investigator and shall:

- Conduct an immediate and thorough investigation of the threat;
- Utilize resources and investigative techniques as necessary in order to identify and arrest the suspect(s);
- Author and coordinate execution of search warrants and provide evidence preservation letters as may be required;
- Collect and preserve all evidence including, when possible, any weapons mentioned or located; and
- Initiate the filing of criminal charges on all identified suspects, when a prosecutable case exists.

In the event a threat originates at a facility that is not covered by a SRO or SNRO, Patrol Division personnel will be responsible for the investigation and utilization of resources as needed.
Hostages and Barricaded Subjects

Corresponding Policy 414: Hostages and Barricaded Subjects

CALEA 46.1.2

A. Initial Steps

The situation will dictate the order steps are implemented:

- Officers should declare "emergency traffic" on the radio;
- On scene members should take command of the incident until relinquished to a member in a better position to handle command duties;
- Determine what crimes, if any, have been committed;
- A supervisor and commander shall be notified of the event;
- An immediate action team ("react team") should be formed to deal with suspect's exit from the stronghold location or for taking immediate action necessary to save lives;
- An immediate action plan should be developed and communicated to everyone involved in the operation;
- An inner and outer perimeter should be formed;
  - The inner perimeter functions to prevent the suspect's escape and provide cover for the react team;
  - The outer perimeter functions to keep foot and vehicular traffic from entering the involved area; and
- Contingencies for the suspect fleeing in a vehicle should be developed. These include controlling travel routes and having pursuit vehicles available.

B. Notifications

- Notification of canine units, air support, and other specialized equipment;
- Requests for EMS should be made when there exists a likelihood that people may be injured; and
- Requests for FFD should be made when there is a likelihood of fire, or when a gas main may need to be shut off, or anytime burning chemical agents are likely to be deployed.

A supervisor and/or commander will evaluate the situation for consideration of a SWAT call-out.

C. Additional Steps Once the Scene is Stabilized

Once a scene is initially stabilized, the following steps should be taken:

- Obtain the phone number of the location and where the phones are located (cordless, cell phones, etc.);
- A supervisor should make the decision whether phone contact with the suspect will be attempted. A loud speaker may be used if no phone response is obtained;
- Obtain a drawing or floor plan of the location (entrances, windows, inside doors);
- Obtain criminal history and conduct a PD and FCSD records check on the suspect;
- Question suspect's friends/relatives about him/her;
- Do not allow any non-police personnel to go into the location or communicate with the suspect; and
- A location should be selected for the press while awaiting the arrival of the P.I.O.; and
- Request teletype run the suspect in AFS to show what firearms may be registered to him/her.

D. Command Post

A command post location should be established a safe distance from the incident. The area should provide adequate parking for emergency vehicles, command vehicles and personal vehicles of responding SWAT and other personnel.

E. SWAT Briefing and Activation

- Refer to Procedure § 408 for SWAT activation protocol.
The person with the best information about the incident, when practical, shall respond to the Command Post to brief the SWAT Commander and/or SWAT Supervisors.

As field personnel are relieved by SWAT team members, field personnel should contact the command post for possible reassignment.

After the event, the member writing the original should contact a SWAT supervisor or commander to determine whether additional information is to be included in the report.

A SWAT supervisor is responsible for completing an after-action report of the event.

A Crisis Negotiations Team supervisor or designated team member is responsible for completing an after-action report of the event.

F. Evacuations

When evacuation of an area is required:

- Bystanders should be evacuated from the immediate area;
- Occupants of nearby residences or businesses should be evacuated if it is reasonably safe to do so. It may be preferable in some instances for occupants to remain inside and take "shelter in place" in a protected area of their residence or business;
- Injured persons should be evacuated when safe to do so.
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.

A. Discovery of Actual or Suspected Explosive Device or Explosive Material

Evacuation of the Area

Upon locating an actual or suspected hazardous device, explosive material, or military ordnance, the primary officer at the scene shall have the danger area evacuated to a minimum distance of 300 feet. The officer shall then establish and maintain a perimeter where entry is limited to authorized persons only.

Notification of EOD Team

The supervisor at the scene of a bombing or at the location of a suspected explosive device or explosive shall immediately cause the EOD Team Commander to be notified to respond to the scene.

Notification of Other Agencies

A member of the EOD Team or, in their absence, the officer in charge of the scene shall notify FFD, as well as ambulances, to stand by the area when they are needed. When necessary, utility company officials shall be requested to shut off power and fuel lines. In the event military assistance is necessary, the EOD Team commander or his/her designee will be responsible for requesting assistance.

B. EOD Deployment

The EOD Team is a support element of the Department and should be utilized whenever the situation requires the use of their specialized capabilities.

The deployment of EOD shall be utilized in situations involving:

- Traditional explosive devices (black powder, dynamite, blasting caps, etc.);
- Improvised explosive devices (pipe bombs, CO2 bombs, dry ice bombs);
- Military ordnance (hand grenades, 40 mm shells, land mines, rockets, etc.);
- Illegal fireworks or handmade fireworks (M-80’s, M-100’s, M-1000’s, etc.);
- Suspicious packages;
- Use of biological or chemical agents activated by an explosion;
- Suspicious devices found on an aircraft;
- Breaching for Department SWAT Team;
- Dignitary protection;
- Air bags that have been removed from a vehicle; and
- Any other application that may require EOD expertise.

C. Permits for Handling, Possessing, Transporting, & Storing Explosives

Members shall refer requests for information pertaining to the acquisition of explosives permits to the FCSD as they process all such applications.

D. 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.

Page 1 of 4

Procedure 416

Response to Bomb Calls

Corresponding Policy 416: Response to Bomb Calls
The ATF may conduct inspections at their discretion.

E. Reported Explosive Devices and Bomb Threats

The Department is responsible for all calls involving an EOD request and response within the City of Fresno. Mutual aid requests from other jurisdictions shall follow guidelines established by the Office of Emergency Services.

F. Scene of Incident

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could be extended for several hundred feet. Evidence may be imbedded in nearby structures or hanging in trees and bushes, etc. A search of the area should be conducted for other objects foreign to the area such as a secondary device. If an item is found, it should not be touched. The item should be secured and the officer should wait for the arrival of the EOD.

G. Search of Bomb Threat Area

The primary responsibility for the search of the bomb threat area shall rest with the person in charge of the premises (owner/manager). Assistance and advice may be provided by the field unit to the person in charge of the premises to conduct the search. When the owner/manager declines to search the bomb threat area, he or she may relinquish that authority and grant permission to search to the officer in charge of the scene. When no actual or suspected explosive device is found, the responsibility to return to the threatened area shall rest with the person in charge of the premises.

In the event the target of a bomb threat is an automobile, the responsibility for the search shall rest with the EOD Team.

H. Evacuation of a Bomb Threat Area

During the searching period, and prior to the discovery of any suspected explosive device, any decision to evacuate the area shall be the responsibility of the person in charge of the premises. The responsible person shall be informed that this is his/her responsibility by the officer in charge of the scene. In the event the area is evacuated, the responsibility for securing the scene and preventing entry of unauthorized persons shall rest with the officer in charge of the scene.

When an explosive device or suspected device is located, the officer in charge may then cause the area and/or premises to be evacuated.

I. Receiving Bomb Threats

In all cases of bomb threats, the member receiving the call should keep the caller on the line as long as possible and attempt to obtain as much information as possible to complete a Bomb Threat Report.

J. Required Reports

It shall be the responsibility of members who receive a bomb threat to complete a Bomb Threat Report. An Emergency Services Dispatcher (ESD) receiving a bomb threat from a caller/suspect shall complete the report. When a field officer receives a bomb threat from a suspect or investigates a bomb threat received by a citizen, he/she shall complete the report. Bomb Threat Reports shall be forwarded to the EOD Team.
who shall have the responsibility for notifying the FBI and the Division of Alcohol, Tobacco, and Firearms as needed.

When an explosive device has detonated unlawfully, a Crime Report (CR) shall be completed by the investigating officer. When a detonation is accidental and not a criminal violation, a General Incident Report (GI) will be prepared, unless injury results, in which case a Casualty Report will be completed. When the detonation was preceded by a bomb threat, the Bomb Threat Report shall be completed in addition to the CR.

K. Found Explosives/Suspect Devices

When an officer responds to a call of a suspected explosive device, the following guidelines shall be followed:

- No known or suspected explosive item should be considered safe regardless of its size or apparent packaging;
- Secure the perimeter for a minimum of 300 feet allowing for an entrance for support personnel;
- Relay as much initial information as possible to the supervisor without touching the device, including:
  - The stated threat;
  - How made;
  - Exact comments;
  - Time;
  - Location; and
  - Full description (e.g., size, shape, markings) of the device in question.
- Do not touch or transport the device to any other location;
- Do not transmit on any equipment that produces radio frequency energy within 300 feet.
  
  Consideration should be given to the possibility for evacuation if a device is located within a building;
- Secure a perimeter around the suspected device;
- Consideration for support personnel such as paramedics and FFD;
- A search of the area should be conducted for secondary devices or other objects foreign to the area; and
- Found explosive or military ordnance of any type should be handled only by the EOD Team.

L. Removal of Explosives/Explosive Devices

At no time shall any member, except those designated by the Chief of Police, attempt or cause to be moved any suspected or actual explosive device, or explosive.

When an EOD Team member is not immediately available, officers shall not attempt to disarm or move the explosive but shall keep the area clear until a demolitions expert arrives.

M. Suspected/Actual Explosive Devices Sent Through the Mail

Officers shall handle all cases of explosives or suspected explosives sent or received through the mail in the same manner as other explosives. In such cases, the investigating officer shall immediately notify a supervisor who shall contact the proper postal authorities and EOD personnel.

N. Detonation of Explosive Device

When an explosive device has been detonated accidentally or unlawfully, the investigating officer shall:

- Render immediate care for any injured person(s) and request any emergency services required at the scene;
-Preserve the scene and all potential evidence, bearing in mind that any evidence may be spread over a large area;
-Ensure that the EOD Team is notified to respond to the scene and conduct the investigation and collection of evidence;
-Locate and obtain identifying information and statements from witnesses;
-Request that the Crime Scene Bureau (CSB) respond for photographs; and
O. Bomb Threats Aboard Aircraft

When a bomb threat against a commercial or private aircraft is received, the responsibility for the search shall rest with the EOD Team.

The incident supervisor shall immediately call the FBI in the event of bomb threats involving aircraft.

P. Procedures at Airports

Prior to the arrival of the EOD Team, the Airport CFR and Security Supervisor shall:

- Have the aircraft removed to a remote area where an explosion would cause the least harm to life or property;
- Remove the passengers from the aircraft and have them take their personal carry-on luggage and/or packages with them; and
- Keep the removed passengers together in a secure area, separate from other personnel. No unauthorized person should be allowed to enter or leave the area until the FBI has interviewed the passengers or has made other arrangements for interviews to be conducted. Final authorization for release of passengers shall be the responsibility of the ranking EOD Team member at the scene.

Memories assigned to the incident will render any necessary assistance requested by the EOD Team. When the EOD Team, the affected airline(s), and the FBI are satisfied that there are no explosives aboard the aircraft or in the luggage, the EOD Team member in charge shall declare the emergency over and release members to return to service.
This procedure 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.

A. 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.

B. Possible Indicators of a Person in Crisis

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness;
(b) Threats of or attempted suicide;
(c) Loss of memory;
(d) Incoherence, disorientation or slow response;
(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas;
(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt;
(g) Social withdrawal;
(h) Manic or impulsive behavior, extreme agitation, lack of control;
(i) Lack of fear, and/or;
(j) Anxiety, aggression, rigidity, inflexibility or paranoia.

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

C. 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.

Officers responding to a call involving a person in crisis should:

(a) Employ tactics to preserve the safety of all participants;
(b) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor;
(c) Consider any available information whether the person relies on drugs or medication, or may have failed to take his/her medication;
(d) Attempt to obtain mental health history, if available, and any previous law enforcement contacts;
(e) Request available backup officers and/or a CIT trained officer, MH1/MH2, or other available resources of a similar nature for assistance as deemed necessary and, if it is reasonably believed that the person is in a crisis situation;

(f) Use conflict resolution and de-escalation techniques to stabilize the incident as appropriate;

(g) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens;

(h) Attempt to determine if weapons are present or available, prior to making contact, and whenever possible and reasonable conduct a search of the Department of Justice Automated Firearms System to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).

(i)

(j) Secure the scene and clear the immediate area as necessary;

(k) Determine the nature of any crime;

(l) Request a supervisor, as warranted;

(m)

(n)

D. De-Escalation Techniques and Considerations

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

- Evaluate safety conditions;
- Introduce themselves and attempt to obtain the person's name;
- Be patient, polite, calm, courteous, and avoid overreacting;
- Speak and move slowly and in a non-threatening manner;
- Moderate the level of direct eye contact;
- Remove distractions or disruptive people from the area;
- Demonstrate active listening skills (e.g., summarize the person's verbal communication);
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

E. Incident Reporting

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

Diversion

Individuals who are not arrested should be processed in accordance with the Mental Illness Commitments Procedure §418.
F. Non-Sworn Members Interaction with persons in Crisis
When a non-sworn Department member comes into contact with a person who may be experiencing a mental health or emotional crisis, they should:
   (a) Treat the person with dignity and respect;
   (b) Be aware and understand that the person may make unusual or bizarre claims or requests;
   (c) Proceed patiently and in a calm manner.

If the person’s behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, the member shall notify ComCen for an officer response.

When the person in crisis is in the HQ Lobby requesting assistance, the member will notify the on-duty Lobby Guard to assist the person when necessary.

G. Supervisor Responsibilities
A supervisor should respond to the scene of a violent, combative, and/or barricaded person in crisis. Responding supervisors should:
   (a) Attempt to secure appropriate and sufficient resources;
   (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (Refer to Procedure §306);
   (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring;
   (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language;

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

H. 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).
A. **Officer Considerations and Responsibilities**

Any officer responding to or handling a call involving a person who may have a mental disability or qualify for a "5150" commitment should carefully consider the following:

- Any available information which might assist in determining the cause and nature of the mental health disability or intellectual/developmental disabilities;
- Conflict resolution and de-escalation techniques specific to dangerous situations involving persons with a mental health disability;
- Request a CIT trained officer, MH1/MH2, or other available resources of a similar nature for assistance, when safe and appropriate;
- Appropriate language usage;
- If circumstances permit, alternatives to lethal force;
- Community resources that may be readily available to assist person(s) with a mental health disability or intellectual/developmental disability;
- Officers shall attempt to obtain mental health history, if available, and any previous law enforcement contacts that influenced the placement of a WIC §5150 hold; Refer to RCTB 16-11. and
- Officers shall not be limited to consideration of the danger of imminent harm.

When responding to a "check the welfare" call, where the subject is possibly a danger to himself/herself or others, officers should, whenever possible and reasonable, conduct a search in CLETS to determine whether the person is a registered owner of a firearm. [Penal Code §11106.4(a)]

Officers will not be dispatched to initiate a WIC §5150 hold, or to perform patient re-evaluations for a 72-hour WIC §5150 hold about to expire at medical facilities or locations where duly qualified persons are present to initiate the placement. In these situations, the local medical facility will be advised to follow procedures established by WIC §§5150 and 5250 respectively.

B. **Evaluation Assistance**

When assistance is needed to determine whether a subject should be committed under WIC §5150, officers may contact the Crisis Services Division of the Fresno County Department of Health for evaluation assistance.

Crisis services may either send a worker to the officer's location or render assistance via telephone.

C. **Transportation**

Persons who are detained pursuant to WIC §5150 shall be transported in an ambulance to the nearest hospital designated as an evaluation center. The location to which the subject is transported will be determined by EMS personnel and according to Fresno County EMS Protocol.

Individuals that do not have obvious signs of trauma or other medical complaints should be taken directly to the nearest evaluation center.

Individuals who are intoxicated or require medical treatment shall be taken to the nearest hospital designated as an evaluation center. Once care of the subject has been assumed by EMS, the officer's responsibility for the subject is terminated.

**Violent patients or those that are mentally unstable** shall be restrained during transport by ambulance personnel. Upon the paramedics' request, the officer will escort the ambulance to the facility.
and place that person in a designated treatment room as directed by a staff member. Hospital security will take possession of the individual once at the designated evaluation center, if not in custody.

D. **Restraints**
If the patient is violent or potentially violent, the officer will notify both EMS personnel and staff of this concern. Once at the facility the staff member in charge will have discretion as to whether restraints will be used.

If these restraints are desired, the officer will wait while restraints are being applied to help provide physical control of the patient, if needed.

E. **Confiscation of Firearms and Other Weapons**
When a person has been detained or apprehended for examination pursuant to WIC §5150, a hold has been placed, and is found to own, have in his or her possession or under his or her control, any firearm or any other deadly weapon, the officer shall:

- Request that any firearms or ammunition be immediately surrendered.
- Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent, other lawful search, or search warrant.
- Issue a Receipt and Notice of Rights for Confiscated Firearms/Other Deadly Weapons form and book the firearm/deadly weapon into evidence. Pursuant to WIC §5150, the person detained must sign the form acknowledging receipt of it. If the person refuses to sign, the officer shall note “refused to sign” on the “Signature of Person Notified” line. When the detainee is unable to sign, the officer shall note that the detainee is unable to sign and the reason why (e.g., “Unable to sign-hospitalized”). The officer then shall mail the detainee’s copy of the form to their last known address of record.
- Advise the person of the procedure for the return of any firearm or other deadly weapon as described on the form [WIC §8102(b)].

For purposes of this section deadly weapon means any weapon that the possession of or carrying while concealed is prohibited by Penal Code §§16590 and 25400.

F. **Petition For Return Of Firearms and Other Weapons**
Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in the narrative of their WIC §5150 report in RPW. The report shall be forwarded to the Gun Clerk, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with WIC §8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

G. **Securing of Weapons**
If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility.

H. **Patients Personal Property**
When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person’s personal property, the
officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (WIC §5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in WIC §5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property [WIC §5150(e)].

I. Mental Health Documentation
The officer shall complete an Application for 72-Hour Detention for Evaluation and Treatment form (Application) stating the circumstances under which the person’s condition was called to the attention of the officer, or other individual authorized by statute who has probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself or herself, or gravely disabled. The officer shall additionally complete a Synoptical Report in RPW, to include sufficient information in the narrative establishing the basis for the WIC §5150 detention.

The officer shall also provide a verbal summary to EMS personnel or staff members regarding the circumstances leading to the involuntary detention and provide them with the first page of the Application.

The officer shall retain the second page of the Application, submitting it to Records by the completion of his/her shift.

When a mental health clinician (MH1/MH2) responds to assist an officer and places a WIC §5150 hold on a person, the officer shall complete a Synoptical Report in RPW to document the circumstances.

J. Application for Evaluation and Treatment Form
When using the form to document a WIC §5150 detention or self-commitment, members shall complete the form in its entirety, ensuring a case number is assigned. When additional space is needed to adequately document the incident, a supplemental report form shall be utilized.

K. Tarasoff Notifications
Upon receipt of a Tarasoff notification, the receiving member will make reasonable efforts to notify the intended victim(s) of the threat. The member will complete the required ‘Law Enforcement Report of Firearms Prohibition’ form (attached pg. 6) and submit a copy to the address listed at the bottom of the form. The fact that the form was completed and all efforts made to notify the intended victim(s) shall be documented in a police report along with a copy of the completed form.

L. Criminal Offenses
Any person charged with a crime who may have a mental health disability, but does not meet the criteria for a WIC §5150 commitment, should be taken to FCJ and booked without seeking a crisis evaluation. If the person is rejected by FCJ, due to meeting the WIC §5150 criteria, an Application shall be completed in addition to the crime report of the incident, and the subject should be transported to an authorized facility for evaluation.

If the person has obvious injuries or some other medical condition, he/she may be taken directly to the hospital.

Fresno County's Psychiatric Health Facility (PHF)
In the event the arrestee is transported for evaluation to PHF, located at the old University Medical Center (UMC) campus, the arresting officer shall contact his/her supervisor to determine if a stand-by is appropriate. When the prisoner is in custody for a non-violent felony that will likely result in an “own recognizance” (OR) release from FCJ, the officer will check the "Notifications To Be Provided To Law Enforcement Agency" box on the Application, and will leave the prisoner at the PHF, a "secure" facility. The officer will complete and submit a NIC ePCD. PHF staff will contact FPD when the evaluation of the
prisoner is complete, and he/she is ready for transportation to jail. The responding officer will retrieve, complete, and submit the ePCD for judicial review/approval at the time of booking.

When the prisoner to be evaluated at PHF is in custody for a violent felony in which booking and retention in FCJ is likely, standby officer(s) will again check the "Notifications To Be Provided To Law Enforcement Agency" box on the Application, and remain outside the PHF facility, in a location which best allows monitoring which could prevent escape, until such time as PHF staff make notification the prisoner has been evaluated and can be booked at FCJ. Officers should not disarm or cover their uniform with an outer garment prior to entering PHF or any other medical facility for stand-by or a call for service.

M. **Self-Commitments or Person Not Meeting the Criteria for a Hold**

A self-commitment is defined as a person who voluntarily seeks evaluation by a mental health professional without meeting the criteria for a WIC §5150 hold.

Calls from individuals for self-committals will be turned over to American Ambulance when there are no known threats of violence, possession or display of weapons, assaultive behavior, or information leading the Department to believe the person presents a danger to themselves or others.

Officers should arrange for an ambulance to transport the person to a medical facility for examination. Officers shall add supplemental information to the narrative of the Synoptical Report to include the reason the person did not meet the criteria for WIC §5150 (e.g., person voluntarily went to the hospital, etc.) and the disposition of the event. Members shall complete an Application for Evaluation and Treatment Form which shall be forwarded to Records in its entirety (no copies are provided to the medical facility/ambulance personnel).

N. **Attempted Suicides**

When any person has attempted suicide, the person shall be transported to the nearest hospital designated as an evaluation center for medical treatment and evaluation by a Crisis Worker for WIC §5150 admission unless medical personnel determine it is in the patient’s best interest, due to medical necessity, to be transported to the closest medical facility.

O. **Walkaways from Mental Health Facilities**

Certain members of the Fresno County Mental Health Department and certain private mental health practitioners on contract to the County, may pre-designate a patient as being subject to detention under WIC §5150 based on the patient's history, regardless of the patient's outward behavior when located.

Members taking a report of a person missing from a mental health facility shall ask the RP if he or she is empowered to make this pre-designation for WIC §5150 commitment for the missing person. When this designation is to be applied, it shall be noted in the "requested disposition" blank on the face sheet with explanation in the narrative. The requested disposition shall also be noted in all broadcast sheets, teletypes, and computer entries.

When a missing patient is not subject to a pre-designated WIC §5150 commitment, but was placed at the mental health facility under conservatorship, members shall determine where the RP would like the person taken when located. This information shall be included in the report, broadcast sheets, teletypes, and computer entries.

When taking a report of a missing person, members shall inquire about the person’s mental health status, and shall consider implementing the procedures identified under Procedure §332 (Missing Person Reporting), when the person seems to be in danger due to his/her mental health disability.

P. **Non-Sworn Members**

When a non-sworn Department member comes into contact with a person who may be experiencing a mental health or emotional crisis, they should:

(a) Treat the person with dignity and respect;
(b) Be aware and understand that the person may make unusual or bizarre claims or requests; 
(c) Proceed patiently and in a calm manner.

If the person’s behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, the member shall notify ComCen for an officer response.

When the person in crisis is in the HQ Lobby requesting assistance, the member will notify the on-duty Lobby Guard to assist the person when necessary.

Q. 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).
CALIFORNIA DEPARTMENT OF JUSTICE  
BUREAU OF FIREARMS  
Law Enforcement Report of Firearm Prohibition  

* Required Information  ** Recommended Information  

<table>
<thead>
<tr>
<th>Subject Information</th>
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<tr>
<td>Last Name:*</td>
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<td>Alias Last Name (if any):</td>
<td>Alias First Name:</td>
<td>Alias Middle Name:</td>
</tr>
<tr>
<td>Subject's Mailing Address:*</td>
<td>City:*</td>
<td>State:* Zip Code:*</td>
</tr>
<tr>
<td>Date of Birth (mm/dd/yyyy):*</td>
<td>Approx. Age:*</td>
<td>Social Security Number:*</td>
</tr>
<tr>
<td>Sex:</td>
<td>Race:</td>
<td>Height:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Law Enforcement Agency Information</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Threat Reported to Law Enforcement (mm/dd/yyyy):*</td>
<td>Agency Report Number:*</td>
</tr>
<tr>
<td>Law Enforcement Agency:*</td>
<td>Agency ORI Number:</td>
</tr>
<tr>
<td>Agency Contact Person and Title:*</td>
<td>Agency Telephone No:*</td>
</tr>
<tr>
<td>Date:*</td>
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</tbody>
</table>

<table>
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<tr>
<th>Instructions</th>
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<tbody>
<tr>
<td>Pursuant to Welfare and Institutions Code section 8100, subdivision (b)(1), any person who communicates to a licensed psychotherapist, a serious threat of physical violence against a reasonably identifiable victim or victims, is prohibited from possessing, having under custody or control, purchasing, receiving, or attempting to purchase or receive any firearms or other deadly weapon for five years.</td>
<td></td>
</tr>
<tr>
<td>Pursuant to Welfare and Institutions Code section 8105, subdivision (c), licensed psychotherapists shall, within 24 hours, report the identity of persons subject to this prohibition to local law enforcement. The firearms prohibition begins on the date the licensed psychotherapist reports the identity of the prohibited person to the local law enforcement agency. Upon receipt of the report from the licensed psychotherapist, the local law enforcement agency must, within 24 hours, complete and submit this report to the Department of Justice, Bureau of Firearms.</td>
<td></td>
</tr>
<tr>
<td>The subject's complete name, date of birth or approximate age, sex, race and complete address is required on this report. The date the threat was reported to law enforcement, agency report number, law enforcement agency, agency contact person, agency telephone number, and the current date are also required.</td>
<td></td>
</tr>
<tr>
<td>The Department of Justice is required to notify the individual of the firearms prohibition by certified mail. This form must include the subject's complete mailing address.</td>
<td></td>
</tr>
<tr>
<td>If you have any questions or would like to request training regarding firearms prohibition reporting requirements please contact the Bureau of Firearms at (916) 227-7527. SUBMIT COMPLETED FORM TO:</td>
<td></td>
</tr>
</tbody>
</table>
| Bureau of Firearms - Prohibition Reporting Unit  
P.O. Box 168048  
Sacramento, CA 95816-8048  
Fax: (916) 227-1021  

PLEASE RETAIN A COPY FOR YOUR RECORDS | |
A. **Department Procedure**

The following procedure will be followed to comply with PC §853.6. Officers are prohibited from issuing citations in lieu of arrest for crimes classified as felonies or wobblers. In such cases, the arrestee shall be booked into the Fresno County Jail (FCJ) or, when applicable, booked by proxy (Procedure §355, Section G – Guarding Hospitalized Felons).

**TERMINOLOGY:** A “cite”, “citation”, “promise to appear”, “ticket” and “notice to appear” are synonymous terms. Misdemeanor drug charges include charges such as H&S 11350, H&S 11377, H&S 11364, and H&S 11550.

B. **Mandatory Adult Citation**

Citations will be issued for all:

- Misdemeanor charges (note the below listed exceptions);
- Warrants for failure to appear for vehicle code infractions (except for DUI related charges and jail warrants); or
- Any out-of-county warrant when so directed by the issuing authority.

Exceptions:

The following misdemeanor violators shall be booked into jail, unless a citation is approved by a supervisor (i.e. hospital standby, rejection by jail, etc.):

- Any misdemeanor involving a gun, to include brandishing a firearm;
- Any domestic violence related offense;
- Petty theft with prior petty theft convictions;
- Any bench warrant; or
- Any misdemeanor arrest warrant.

C. **Disqualifying Circumstances**

Penal Code §853.6(i) specifies that a person arrested for a misdemeanor will be released on a “Notice to Appear” unless one of following is present:

- The person arrested is so intoxicated that they could be a danger to themselves or others. (NOTE: This person can be “cited” and taken to the Fresno Rescue Mission, nearest hospital, or booked into FCJ);
- The person arrested requires medical examination, medical care or is otherwise unable to care for his/her own safety;
- The person is arrested for one or more of the offenses listed in Vehicle Code §§40302 and 40303; Officers may cite and release arrestees for Misdemeanor DUI violations pursuant to guidelines set forth in Procedure 514, Section H.
- There are one or more outstanding arrest warrants for the person;
- The person could not provide satisfactory evidence of personal identification;
- The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested;
- There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested;
- The person arrested demands to be taken before a magistrate or has refused to sign the “Notice to Appear” and the arresting officer has given him/her every opportunity to sign. Prior to booking
an arrestee for refusal to sign, a field supervisor shall respond to attempt to resolve the matter to eliminate the need for booking;

- There is reason to believe that they would not appear at the time and place specified in the “Notice to Appear” (The basis for this determination will be specifically stated);
- The subject is arrested for a violation of Penal Code §243(e)(1), §646.9 or a protective order involving domestic violence when:
  - The detained person made threats to kill or harm;
  - Has engaged in violence against; or
  - Has gone to the residence or workplace of, the protected party; and
- Any out of county warrant when so directed by the issuing authority

When a person is arrested on a misdemeanor offense and is not released by citation, the reason for non-release will be noted on the booking form.

D. **Juvenile Citations**

When a juvenile is to be cited for any traffic offense (infraction or misdemeanor), members shall utilize the standard Traffic/Misdemeanor Citation Form. When a juvenile is to be cited for any non-traffic offense, the Juvenile Arrest Report (JAR) will serve as the citation (Procedure §324).

**Juvenile Traffic Offenses**

These matters require a mandatory appearance and the "To Be Notified" box shall be checked on the citation. The Court will notify the parties of their court date. These violations will be cited to the "M" Street Courthouse located at 2317 Tuolumne Street, Fresno, CA 93721, (559) 457-1700.

E. **Specific Violators**

- **Elected Officials:** All elected officials are subject to the same “rules of the road” as other citizens and have no legislative immunity.
- **Non-Residents:** Traffic violators who are not residents of the State of California are handled in the same as any other traffic violator.
- **Military Personnel:** Military personnel are handled in the same as any other traffic violator.
- **Public Carriers:** Public carriers (e.g. buses, taxis, limos, etc.) are handled in the same manner as any other traffic violator.

F. **Prisoner Processing Section Releases**

In certain cases, it may be impractical to issue a citation and release a person in the field. Instead he/she may be released after he/she has been processed at the Prisoner Processing Section (unless disqualified for reasons listed below).

G. **Documentation**

- Most incidents involving a citation release require a case number.
- Traffic violations and some Fresno Municipal Code violations can be documented on the reverse side of the officer’s (pink) copy of the citation (see below).
- Penal Code sections will require a case number to document the incident.
- This section does not preclude an officer from requesting a case number if he/she feels the situation could be documented more thoroughly in a report.

All of the applicable specific instructions for completion of Traffic Citations apply to Adult Misdemeanor Citations. Adult misdemeanants who are to be issued a misdemeanor citation shall have their right thumb print placed in the citation fingerprint box, including drivers cited for VC §12500. When a right thumb print is unobtainable, another acceptable finger print may be used. A notation shall be made next to the fingerprint box as to which print was obtained when the print was anything other than the right thumb print. The Department issued fingerprint pad shall be utilized to obtain the print.

A report will be written for all misdemeanor citations with the exception of warrant service and violations of VC §§12500(a), and MC §9-2503, MC §14-1801(a), MC §14-1805, MC §9-2512, MC §5-507. These
will be processed as infractions unless the officer wishes misdemeanor charges filed and indicates so in a report.

H. **Crime Scene Investigation Bureau / Prisoner Processing Section Processing**
   - The "Booking Required" box shall be marked on all applicable misdemeanor citations when the person is not processed at the Prisoner Processing Section.
   - The person being cited shall be advised that he/she must be fingerprinted and photographed prior to his/her court appearance.
   - He/she shall be instructed to appear at the Prisoner Processing Section for this purpose during normal business hours with his/her copy of the citation.
   - If his/her copy is not available, a duplicate must be obtained from the Records Bureau prior to the processing.

Exceptions: Persons cited for: HS §§11357(b) or 11360(b), violations of the MC or the BP Code, non-FPD warrants, and traffic misdemeanors are not subject to processing through the Prisoner Processing Section. On citations issued for these charges, the "Booking Required" box shall not be marked, and the person cited shall not be advised to report for processing.

I. **Distribution of Citations**
   Citations will be distributed as follows:
   - The green original is the court's copy. It is submitted to Records;
   - The yellow copy is given to the violator;
   - The pink copy is retained for four years by the member(except in a private person's / citizen's 's arrest or cancellation); and
   - The white "hard" copy is submitted the same as the green original.

K. **Canceling Citations**
   To Cancel When Violator Copy Has Not Been Delivered
   - Write "canceled" across all copies of the citation, initial and date.
   - Write an explanation on the back of the hard copy.
   - Submit it to a supervisor to review and sign the back of the hard copy.
   - Forward to the Records Bureau

Canceling When Violator is Booked
To cancel when a citation has been started or completed but the suspect is instead booked on the violation:
   - The citation will be canceled as above;
   - If the arrest is "failure to sign" a citation [VC §40302(b)], the original (green) copy of the citation will be booked as evidence;
   - The pink copy will be retained by the officer;
   - All remaining copies will be forwarded along with the case number to the supervisor; and
   - The supervisor will forward them to PLO.

Canceling Invalid Traffic Charges (voiding)
A memo must be written to both the supervisor and PLO supervisor explaining the need and request of them to “void” any issued citation.

Canceling Invalid Non-Traffic Misdemeanor Charges
When an arrested person has signed and received a copy of a non-traffic misdemeanor citation and the officer determines that the “notice or citation” should be dismissed, the issuing officer will:
   - Prepare a PC §849 release form;
   - Deliver the arrestee's copy in person or by mail;
   - Forward the remaining copies to Records; and
The reason for the release and the fact that the forms were completed and distributed will be documented in an Original or a Supplemental Report.

L. **Field Release Citations**
Upon obtaining satisfactory identification and verifying that there are no outstanding warrants for the individual, officer(s) may issue citations to all persons 18-years of age or older.

Officers may also issue citations to those taken into custody on a private person arrest for a misdemeanor offense, when appropriate.

Field Release of Persons Arrested for Misdemeanor Drug Charges
When an officer arrests an adult for misdemeanor drug charges (Section A above) only, the officer shall give the arrestee the option of being taken to the Fresno Rescue Mission (310 G. St.) drug treatment program in lieu of being released on their promise to appear. Persons on supervised release are not eligible for this option. When an arrestee chooses to be taken to the Fresno Rescue Mission, the officer will:

- Complete the citation normally and have the arrestee sign the citation before release to a staff member whose name will be included in the police report; and
- Not include a court date but will complete a police report and forward to PLO.
  - Should the arrestee complete the six month drug program, the citation and police report will be purged by CLO; however
  - If the arrestee fails to complete the drug program, PLO will forward the report and citation to the Fresno County District Attorney’s Office for review and prosecution.

When the person refuses to be taken to the drug treatment program, the officer will complete the citation per Section O below.

M. **Parking Citations and Violations**
Parking violations will be issued using the "City of Fresno Parking Citation" form. No other violations may be cited on this form and parking violations may not be issued using any other form.

The form is self-explanatory, with the following exceptions:

- The month and year that the registration tabs expire will be written next to the vehicle license number;
- The bottom right line with no pre-printed sections is used for parking violations that are not listed on the citation;
- When the pre-printed violations are being charged, a large "X" shall be entered in the corresponding box in the right column;
- The yellow copy will be given to the violator or left on the windshield or other clearly visible location. The green and white copies are put in the HQ "lobby box";
- When there is an error and the violator's copy is available, the citation will be corrected as described above; and
- When there is an error and the violator's copy is not available, the member will write "VOID - ISSUED IN ERROR" across the face of the citation. The member will write an explanation on the back of the hard copy. It will be submitted to his/her supervisor (who will review and sign the back of the hard copy). (NOTE: Routing is the same as valid citations).

N. **Simultaneous Citable and Arrestable Violations**
When a suspect is arrested for both an infraction(s) and/or misdemeanor(s), and is being booked on a warrant or parole/probation violation, he/she will be "cited" for the infraction(s) and/or misdemeanor(s), (except in the case of misdemeanor domestic violence charges [PC §273.6, PC §243(e)(1), or PC §166(c)(1) where booking is necessary].

They will be cited before being transported to the FCJ for booking. All misdemeanors and infractions from the same case can be included on the same citation(s).
In the case of a misdemeanor (including domestic violence charges), a PCD is required when booking a suspect who is also being booked for a probation hold, parole hold or warrant. [Except PC §647(f)]

O. Instructions to Cited Person
The citing officer will, at the time he/she asks the suspect to sign the “Notice to Appear”, tell him/her the time and place for appearance and take any other steps he/she deems necessary to ensure that the suspect understands the written “Notice to Appear”. Unless otherwise noted, all persons cited will be instructed to appear at 0830 hours 90 calendar days following the issuance of the citation. When the 90th day falls on a Thursday, Saturday, Sunday, or holiday, they will be “cited” for the next business day.

Adult Traffic Infractions [including Misdemeanor VC §12500(a)] as well as Municipal Code Violations
Persons “cited” for traffic infractions, VC §12500(a), or “citable” Municipal Code violations will be:
- Directed to the “M” Street Courthouse located at 2317 Tuolumne Street, Fresno, CA 93721, telephone number (559) 457-1700. Officers will mark the box next to the corresponding court; and
- Instructed to read the “warning” on the reverse side of the violator’s copy.

Open Misdemeanor Charges / Citable Fresno Municipal Court Warrants
Persons “cited” for misdemeanor crimes, or “citable” Fresno Municipal Court warrants will be:
- Directed to Room 402 of the Fresno County Courthouse for non-traffic charges (or combination of traffic and non-traffic). Officers will mark the box next to the corresponding court;
- Instructed to read the “warning” on the reverse side of the violator's copy;
- When citing for misdemeanor drug charges only, all persons cited shall be instructed to appear at 0830 hours 30 calendar days following the issuance of the citation. When the 30th day falls on a Saturday, Sunday, or holiday, they will be “cited” for the next business day.; and
- Officers shall list the cited person’s phone number on the citation for misdemeanor drug charges, if available.

Appearance Date & Time for Warrant Charges
- The schedule for citation dates and times for misdemeanor warrants may be attained from the CAD Info File A Cite – Misd. & Warrants.
- Suspects arrested on warrants originating outside Fresno County may be booked rather than cited.
- Multiple, same court warrants, require the same appearance date and time.
- For warrants other than those originating in Fresno Court, check the other box and print the name and address of the court cited to and use the date/time of appearance given by the out-of-county agency.

Listing Charges
It is permissible to include misdemeanors and infractions as well as violations from different codes (with the exception of MC violations which require a separate citation) on the same citation.

A “Citation Continuation Form” will be used if more space is needed (Giving more than one citation under the same case number should be avoided).

P. Altering, Modifying, and Correcting Citations
To Correct Errors/Omissions in Traffic Citations
When an error is identified while the violator's copy of the citation is still available, the citing officer will:
- Correct the error on all four copies by drawing a single line through the error;
- Print the correct information as close as possible to the error;
- Initial the correction; and
- Mark the box in the lower right-hand corner, “Violator’s Copy Corrected”.

Procedure 420
Effective Date: 02/28/2018
Notice of Correction (amendment form)
When an error or omission is discovered, and the violator's copy of the citation is no longer available, members will not correct the error or omission but will:
- Complete a Notice of Correction and Proof of Service Form;
- Mail the yellow copy of the completed form to the violator;
- Attach the original copy (first page) of the Notice of Correction and Proof of Service Form to the court (green) copy of the citation;
- Submit the citation in the normal manner;
- When the court copy of the citation is not available, the Notice of Correction and Proof of Service Form will be submitted in the same manner as if the citation were attached;
- Maintain the pink copy for their records; and
- Send the white copy (second page) to Records.

When the Notice of Correction and Proof of Service Form is issued to correct an error or omission on a citation returned from the Traffic Court, members will:
- Correct the error or omission; and
- Return the Notice of Correction and Proof of Service Form to the Traffic Court with the citation.

To Correct Errors/Omissions in Non-Traffic Citations
When an addition or correction must be made to a non-traffic citation, the same procedure used for correcting traffic citations will be followed (except when the court copy of the citation is not available, the Correction and Proof of Service form will be placed in an envelope and routed to the PLO).

Q. Cite and Release on Misdemeanor Warrants
Penal Code §827.1 allows the release by citation of a person designated in a warrant of arrest unless one of the following exists:
- The misdemeanor involves violence;
- The misdemeanor involves a firearm;
- The misdemeanor involves resisting arrest;
- The misdemeanor involves giving false information to a peace officer;
- The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics;
- The person requires medical examination or medical care or is unable to care for their own safety;
- The person has other ineligible charges pending;
- There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person;
- The person refuses to sign the notice to appear;
- The person cannot provide satisfactory evidence of personal identification; and
- The warrant of arrest indicates that the person is not eligible to be released on a Notice to Appear.

R. Warrant Citations
Persons arrested for out-of-county warrants will be booked, unless that agency requests citing. (NOTE: When a citation is issued, a copy of the warrant abstract must be attached to the original citation to ensure proper handling.)

Citation Completion
Each warrant requires its own citation and will contain no other charges, all under the same case number (except FPD warrants which require a supplemental report under that case number). Otherwise, no report is required when the arrest is for warrants only.

When a person is cited for a warrant, the following six items are required to be listed in the charges section of the citation:
- Specific Charge (Code & Section);
- Classification (Infraction, Misdemeanor, or Felony);
• Warrant Number;
• Judicial District;
• Date of Issue; and
• Bail.
A. 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.

Member Responsibilities

Officers shall not be dispatched to CFS regarding violations of LC §6404.5. However, officers in the field who observe a violation of this section may cite the violator(s). Officers should only issue a citation when the person is in the act of smoking or has lighted smoking material in his/her possession. When the owner of the business is present, he/she may also be cited. The bartender or server at the business shall not be cited. The presence of smoking material alone, in a business, does not constitute a violation; however, officers may document this information on a Synoptical Report and forward a copy to the ABC Coordinator. Documentation should include, but is not limited to: the presence of ashtrays, smoke in the air, the presence of cigarette butts in the enclosed area, documented observations of code enforcement personnel and/or health inspectors or other related personnel.

When an officer is contacted by a citizen who wants to file a complaint regarding a smoking violation the officer shall advise the citizen of the complaint process and refer him/her to the Fresno County Department of Health Tobacco Prevention Program at 559-600-6449.

Citation Process

The D.A.’s Office will prosecute violations of LC §6404.5. The Notice to Appear shall be used and no other report is required.
Procedure

422

Fresno Police Department Procedures Manual

Arrest or Detention of Foreign Nationals

Corresponding Policy 422: Arrest or Detention of Foreign Nationals

A. **Vehicle Registration**
   - Registered with the U.S. Department of State’s Office of Foreign Missions (OFM)
     o Red, white, and blue license plate or
     o The word “Diplomat”, “Consul”, or “Honorary Consul” on license plate
   - Should be run through the National Law Enforcement Telecommunications System (NLETS), designating “US” as the state.

B. **Forms of Identification/Documentation**
   - Department of State identification card containing
     o Photo
     o Identifying information
     o Brief description of immunity status on back
   - Driver’s license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO)
   - California Credentials issued by the Governor’s Office of Emergency Services, Law Enforcement Division

C. **Detention or Arrest of Foreign National**
   When a foreign national or unauthorized person is detained for a significant period of time, (i.e. any period that extends past the time needed to issue a subject a citation at the scene where the subject was contacted) or is arrested and that subject identifies himself/herself as a foreign national, whether he/she is in this country lawfully or unlawfully, the arresting officer shall:
   - Notify their supervisor of the situation;
   - Attempt to verify the claimant’s identity (e.g. valid Matricula Consular or Resident Alien Card);
   - Determine what country the foreign national is from (from statements or passport);
   - Contact the Duty Office to determine if the foreign national is from a country requiring mandatory notification;
     o When the foreign national is from a country requiring mandatory notification, the officer shall obtain a copy of the Translated Mandatory Consular Notification Statement from the Duty Office, and present the statement to the foreign national. The officer shall then contact the nearest Consulate for the foreign national’s country as soon as reasonable, advising them of the arrest, and where the foreign national will be detained (FCJ, IDS, etc)
     o When the foreign national is not from a country requiring mandatory notification, the officer shall obtain a copy of the Translated Optional Consular Notification Statement from the Duty Office and present the statement to the foreign national. When the foreign national requests notification, the officer shall follow the instructions above. When the foreign national does not want notification, the officer shall not make contact with the Consulate.
     o When the officer is unable to make contact with the Consulate, the duty officer shall contact the California State Officer of Emergency Services (OES) to obtain the Consulate emergency contact number; and
   - Include in their report all notifications made.
D. Arrest of Person Claiming Immunity
A subject placed under arrest who claims diplomatic consular immunity shall not be physically restrained before verification of the claim unless necessary for the officer’s protection. In addition to the requirements listed in Section C, officers shall:
- Initiate telephone verification with the Department of State; and
- Include in their report all notifications made.

Diplomatic agents, consular officers and staff and family members with whom the United States has an agreement may NOT be arrested. If release of the violator will not create additional hazard, adequate information for identification will be obtained and they shall be released.

Duty Office Responsibility
The Duty Office will retain a copy of the Consular Notification and Access booklet distributed by the U.S. Department of State. When requested, the duty officer shall provide requesting officers:
- A copy of a Translated Notification Statement; and
- The telephone number of the nearest Consulate office.

The duty officer will maintain a log of arrested foreign nationals and record consular notifications therein.

E. Citable Offenses
A citation shall be issued for ALL violations warranting such action, regardless of immunity status.
- Request identification documents.
- Record the title and country represented on the back of the officer’s copy of the citation. DO NOT put on face copy.
- Request the claimant to sign the citation. If refused, the identity and immunity status shall be conclusively established.
- Verified Foreign Nationals are not required to sign the citation. The word “Refused” shall be entered in the signature box.
- All other claimants are subject to VC § 40302(b)
- The violator shall be released with a copy of the citation.

F. Levels of Immunity
Diplomatic Agents (e.g., ambassadors and U.N. representatives)
- Highest level of immunity
- Exempt from arrest or detention and are immune from all criminal prosecution by the host state
- Family members have the same level of immunity

Consular Officers (e.g., consul general, consul, and vice consul)
- Immune from arrest or detention, except pursuant to a felony warrant
- Only immune from criminal and civil prosecution arising from official acts
- Family members do not have immunity unless an identification card issued by the Department of State (DOS) states otherwise

Honorary Consuls
- May be arrested and detained
- Family members have no immunity
- Limited immunity for official acts, but only as a defense

G. Traffic Collisions
- A Traffic Collision Report shall be completed.
- If the foreign national possesses a Department of State OFM Diplomatic Driver License, a “D” shall be coded in the license box on the report.
- The actual driver license class shall be entered in the misc. box on page two of the report.
• If prosecution is anticipated, the following should be recorded:
  o Claimant’s title;
  o Country; and
  o Type of identification presented.

H. **Driving Under the Influence (DUI)**
• Field sobriety tests, including Preliminary Alcohol Screening (PAS) and chemical test, should be offered.
• The test cannot be compelled.
• The subject shall not be permitted to drive and alternate transportation will be arranged.
• A supervisor’s approval for release must be obtained.
• All facts should be documented in a Driving Under the Influence (DUI) Arrest-Investigation Report, and Administrative Per Se/Officer’s Statement Form (DS 367).
• The Department of State will take appropriate action for the offense.

I. **Reports and Forms**
A photocopy of each traffic collision report or citation shall be forwarded to the office of the Chief of Police within 48 hours.

The copy should be marked with “Immunity Claim” on the front sheet along with:
  • Claimant’s title;
  • Country; and
  • Type of identification presented.

A follow-up memo should be submitted if:
  • The violation was flagrant;
  • If the claimant was uncooperative; and/or
  • If any unusual aspects of enforcement contact took place requiring further action.

The District Commander/Supervisor shall also send the Chief’s office:
  • Copy of all documents;
  • Their notes;
  • Logs; and
  • Reports submitted by the investigating officer.

The Chief’s office will insure that the Department of State is notified and all necessary follow-up occurs.

J. **Vehicles**
• Vehicles owned by subjects with immunity may NOT, without their permission, be:
  o Searched;
  o Impounded; and/or
  o Stored.
• The vehicle may be towed the necessary distance to remove it from obstructing traffic or creating any other hazard.

K. **Supervisor Responsibly**
The supervisor shall:
  • Respond to the scene of any incident where a person contacted claims some form of immunity;
  • Ensure all notifications are made to the U.S. State Department;
  • Ensure that the incident is documented in the GI or appropriate report; and
  • Complete an unusual occurrence report.
L. **Resources (Department of State)**
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.

A. **Reporting Procedures**
When a member receives local Homeland Security or terrorism-related information, they shall provide the Criminal Intelligence Unit supervisor with all relevant information. This information should include but is not limited to:

- A brief synopsis of the information obtained;
- All related event and/or case numbers;
- Source of information, including contact info; and
- Any additional info to aid follow-up.

**NOTE**: When a report is generated involving these issues, the Criminal Intelligence Unit shall be included in the Special Routing box.

B. **Homeland Security TLO Message Line**
Members should advise the public that the 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.
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.

A. **Assistance to Agencies Outside the City**
When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Field Commander. If the request is of an emergency nature, the officer shall notify ComCen before responding and thereafter notify a supervisor or Field Commander as soon as practical.

B. **Forms of Identification/Documentation**
Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify their immediate supervisor or subsequent supervisor within the chain of command as soon as practical. The supervisor will then be responsible for notifying the district or division commander as needed.

The supervisor shall determine if a case report, event commentary, or other documentation of the officer’s activity is required. The report, event or other documentation shall be forwarded through the officer’s chain of command up to the division commander.
A. **Immigration Complaints**
Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of the ICE has primary jurisdiction for enforcement of Title 8, *United States Code*.

B. **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.

C. **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.

D. **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.

E. **ICE Request For Assistance**
If a specific request is made by ICE or any other federal agency, the 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 should be based upon the reasonable belief that an individual is involved in criminal activity.

F. **Information Sharing**
No member of this Department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 *United States Code* § 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.

G. **Valid Identification Cards/"Matricula Consular"**
The identification card known as the “Matrícula 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.

H. Detentions
An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6). Officers are authorized to take action in response to a Judicial Probable Cause Determination or Judicial Warrant.

I. Arrest
If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation (see Vehicle Code §40302a, and Penal Code §836, if pertinent to the circumstances). A field supervisor shall approve the arrest.

J. Booking
If the officer is unable to reasonably establish an arrestee’s identity, the individual may, upon approval of a supervisor, be booked into FCJ for the suspected criminal violation and held for bail.
If a person is detained pursuant to the authority of Vehicle Code §40302(a), for an infraction that person may be detained upon approval of a supervisor for a reasonable period not to exceed two hours for the purpose of establishing his/her true identity. Regardless of the status of that person’s identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction involved.

K. Transfers to Immigration Authorities
Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist:
   (a) Transfer is authorized by a judicial warrant or judicial probable cause determination;
   (b) The individual is identified by the U.S. Department of Homeland Security’s Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

L. 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.

Any request for assistance in applying for U Visa or T Visa status should be forwarded in a timely fashion to the U Visa Coordinator. The coordinator should do the following:
   (a) Consult with the assigned investigator to determine the current status of any related case and whether an update on the case is warranted;
   (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and that whether a certification or declaration is warranted;
   (c) Review the instructions for completing the certification if necessary. Address the request and complete the certification or declaration, if appropriate, in a timely manner. Instructions for completing Form I-918 Supplement B certification and declaration can be found on the DHS website at http://www.uscis.gov.
   (d) Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code §679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code §236.5 or Penal Code §679.11 (human trafficking); and
(e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. A copy of any completed certification or declaration shall be included in the case file.

M. **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.

N. **Reporting to Legislature**
The U Visa Coordinator Supervisor shall ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code §9795 (Penal Code §679.10; Penal Code §679.11).

O. **Training**
The Training Manager should ensure that all appropriate members receive training on immigration issues. Training should include:
(a) Identifying civil versus criminal immigration violations;
(b) Factors that may be considered in determining whether a criminal immigration offense has been committed; and
(c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).
A. Officer’s Responsibility

Upon observing a damaged or malfunctioning water line, electrical line or pole, pump, well, or traffic signal, members shall notify ComCen and advise of the situation. ComCen will make the necessary notification to the proper maintenance agency.

When a malfunctioning water line, electrical line or pole, pump, well, or traffic signal creates an immediate hazard, members shall arrange for the direction of traffic and the protection of the public when possible, until the proper maintenance agency can respond.

The list of municipal utility emergencies can be accessed by calling 621-2489.
B. **Rifle Maintenance**

Each patrol officer carrying a patrol rifle is required to maintain the rifle in a state of operational readiness and is subjected to inspection at anytime. Additionally:

- Officers may, at their own expense, purchase two spare 30-round factory magazines (Colt or Magpul brand, black in color) for use in addition to the two magazines provided with their Department issued patrol rifle. Ammunition loaded into all additional patrol rifle magazines shall be the same manufacturer and product code as the ammunition issued by the Department. Prior to carrying any spare magazines and ammunition on-duty, the officer will have the equipment inspected by a Department Armorer;
- Each officer carrying a patrol rifle is required to disassemble and clean an assigned patrol rifle every time it is fired;
- Each officer is responsible for promptly reporting any damage to, or malfunction of, a patrol rifle; and
- No modifications shall be made to any patrol rifle.

C. **Rifle Storage**

At the end of the shift, the officer shall:

- Return the rifle in an unloaded condition with the magazine detached;
  - Any rounds chambered during the shift shall be removed prior to storage and subsequently rotated through the magazine;

D. **Training/Qualifications**

Officers must successfully complete training/qualification as scheduled and conducted by the Department Rangemaster. Training/qualification shall occur no less than annually. Any officer who fails to qualify will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officer's user's course and qualification.
- Trijicon MRO

The Armorer/Rangemaster is the only person authorized to mount an individually purchased red-dot sighting system on a department owned patrol rifle. Prior to deploying the red-dot sight, officers are required to “qualify” with the patrol rifle and optic.

Individually purchased red-dot sighting systems will not be replaced by the Department if they are taken as evidence during an investigation.
A. **First Responder**
   - Consider establishing a perimeter consistent with any potential hazmat spill that may be present.
   - Request additional resources as needed.
   - Provide first aid for the injured parties until arrival of FFD or EMS.
   - Establish an incident scene.
   - Provide crowd control and other assistance as needed.

B. **Supervisor Responsibilities**
The supervisor at the scene of an accident not occurring on City owned or operated airports shall notify the district or field commander of the incident.

The supervisor shall provide the Duty Officer with:
- Time and location of accident;
- Number and degree of casualties;
- Extent of damage to aircraft or other property;
- Aircraft identification number;
- Type and class of aircraft (civilian airplane, single-engine or military jet, twin engine, etc.);
- Owner and pilot's name and address;
- Whether or not United States mail was being carried; and
- A description of any hazardous materials on board.

C. **Duty Office Responsibilities**
Upon receipt of the incident details from the supervisor, the CSU duty officer shall contact the following agencies and provide the needed details of the accident:
- The FAA Western Regional Duty Officer;
- City of Fresno, Department of Airports – Duty Captain; and
- U.S. Postal authorities when the aircraft was carrying mail.

D. **Documentation**
Aircraft accidents shall be documented with the following:
- Casualty Report for aircraft accidents involving injuries or fatalities,
- GIR for non-injury aircraft accidents; or
- Traffic Collision Report when a motor vehicle or bicycle in transport on a roadway or highway is involved in a collision with an aircraft.

E. **Unauthorized Landing**
The landing of an aircraft at a location other than a designated airport, not resulting in death, injury, or damage to any property, shall not be classified as an aircraft accident but should be investigated by the Department for possible law violations.

F. **Photographs**
When the aircraft accident scene involves civilian aircraft, members shall have photographs taken by the Crime Scene Bureau. Military aircraft will not be photographed.
A. **Request for Air Support**
If a supervisor or officer in charge of an incident determines that the assistance of air support would be beneficial, a request can be made through ComCen.

B. **Circumstances Under Which Aid May Be Requested**
Air support may be requested under any of the following conditions:
- When air support is activated under existing mutual aid agreements;
- When the safety of law enforcement personnel are in jeopardy and the presence of air support may reduce such hazard;
- 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;
- When air support is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard;
- Vehicle pursuits; and
- Any other situation deemed appropriate and approved by a commander or designee.

C. **Request For Air Support From Another Agency**
Members can request the assistance of air support from neighboring agencies which shall be coordinated through ComCen.

These requests should include the reasons for requesting their assistance and the type of assistance needed (helicopter, airplane, etc.).

D. **Request For Fixed Wing Aircraft**
Members needing the services of the fixed wing aircraft should make a request in advance through the supervisor of Skywatch Air Support Unit or designee.

Requests when possible should be made in writing and should include the reason for the request, including the type of investigation, dates needed, and the amount of time anticipated each day.

Requests received less that 48 hours in advance may not be considered.
A. **Field Photographs**

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

**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.

**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:

- 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 a Field Interview card and photograph.
- The detention shall not be prolonged for the sole purpose of taking a photograph.

B. **Disposition of Photographs**

All detainee photographs must be:

- Adequately labeled and submitted to the appropriate unit or bureau;
- Have an attached field interview card, report, or other memorandum explaining the nature of the contact; and
- If an individual is photographed as a suspect in a particular crime, any associated report numbers should be noted on the photograph.

After reviewing the photograph and related material, the member shall:

- Enter it into the applicable database; or
- Store it in a secured file.

When a photograph is taken in association with a particular case, the investigator may use the photograph as part of his/her investigation. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs should be kept in the investigators secured work file.

C. **Purging the Field Photograph File**

This shall be done in accordance with the procedures outlined in the applicable bureau/unit operations manual.
A. **Field Contacts**
Officers who contact individuals who are, or may be participants in criminal street gang activity should complete an FI card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant.

Photographing known or suspected criminal street gang participants should be done in the field when possible consistent with Procedure §440.

B. **Possible Gang Related Crimes**
1. Assault with a deadly weapon or by means of force likely to produce great bodily injury, PC §245
2. Robbery, PC §211
3. Unlawful homicide or manslaughter, PC §187
4. The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled substances in §§11054, 11055, 11056, 11057, and 11058 of the Health and Safety Code
5. Shooting at an inhabited dwelling or occupied motor vehicle, PC §246
6. Discharging or permitting the discharge of a firearm from a motor vehicle, subsections (a) and (b) of Penal Code §12034;
7. Arson, PC §450
8. The intimidation of witnesses and victims, PC §136.1
9. Grand theft, subdivision (a) or (c) of PC §487
10. Grand theft of any firearm, vehicle, trailer, or vessel
11. Burglary, PC §459
12. Rape, PC §261
13. Looting, PC §463
14. Money laundering, PC §186.10
15. Kidnapping, PC §207
16. Mayhem, PC §203
17. Aggravated mayhem, PC § 205
18. Torture, PC §206
19. Felony extortion, PC §§518 and 520
20. Felony vandalism, PC §594
21. Carjacking, PC §215
22. The sale, delivery, or transfer of a firearm, PC §12072
23. Possession of a pistol, revolver, or other firearm capable of being concealed upon the person in violation of paragraph (1) of subdivision (a) of PC §12101
24. Threats to commit crimes resulting in death or great bodily injury, PC §422
25. Theft and unlawful taking or driving of a vehicle, VC §10851
26. Felony theft of an access card or account information, PC §484e
27. Counterfeiting, designing, using, attempting to use an access card, PC §484f
28. Felony fraudulent use of an access card or account information, PC §484g
29. Unlawful use of personal identifying information to obtain credit, goods, services, or medical information, PC §530.5
30. Wrongfully obtaining Department of Motor Vehicles documentation, PC §53
31. Prohibited possession of a firearm PC §29800
32. Carrying a concealed firearm in violation of PC §25400
33. Carrying a loaded firearm in violation of PC §25850
B. **Identification of Criminal Street Gangs/Participants**
An individual can be validated as a member in a criminal street gang, when three or more of the following elements have been verified by a member of M.A.G.E.C.

- An individual admits membership in a criminal street gang.
- A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.
- An individual has gang related tattoos, i.e. gang name, moniker, symbol, or numbers. Officers should inquire as to the meaning of the tattoo both to the individual and on the street.
- An individual is known to associate with criminal street gang members.
- A person has been arrested in the company of identified criminal street gang members.
- An individual is identified as a gang member in a criminal street gang document, list or graffiti.
- An individual is observed wearing attire to include clothing or jewelry that is related to a criminal street gang. This is to include personal possessions such as book bags, back packs, wallets, etc.
- An individual is observed in a photograph with a criminal street gang member or is making a gang hand sign in photograph(s).
- An individual corresponds with a known criminal gang member. This is to include correspondence either written or received.
- An individual is known to have written criminal street gang related graffiti. This is to include graffiti written on personal possessions as well.

An individual may be designated as a gang affiliate when they meet one or two of the above ten criteria.

C. **Reference**
RCTB 07-07
Members shall utilize the radio and MDS in a professional manner and for Department business purposes only.

A. Radio Terminology / Definitions
   - Response Codes
     - The term “Code One” shall not be used. “Code Two” designates an immediate response, obeying all traffic laws, without the use of emergency equipment. “Code Three” designates an emergency response, including the use of emergency lights and siren. “Code Four” designates that a situation is secure and no further assistance is required. “Code Five” is used to indicate that a member is in imminent danger and authorizes an emergency response as outlined in Response to Code Five Transmission listed below.

   - Emergency Traffic
     - The Emergency Services Dispatcher (ESD) or field unit will declare “emergency traffic” when a call for “officer needs help” is made, during a pursuit in progress, felony calls in progress, and similar emergency circumstances. Members involved in the emergency traffic incident shall restrict their radio traffic to the information which is necessary for the other involved units and the ESD. Uninvolved members should not transmit on a channel with emergency traffic except for another emergency. Members with routine traffic may use the remaining primary channels. When the emergency is over, a field unit should advise immediately and the ESD will declare the channel “secure from emergency traffic.”

   - “Officer Needs Help”
     - This term shall be used when immediate, emergency aid is required by a member. The requesting member shall include his/her location followed, if possible, by their unit identification and other pertinent information. A specific unit(s) shall be dispatched Code Three and other available units in the vicinity shall respond Code Two, as needed. An “Officer Needs Help” call shall not be broadcast when “assistance”, as defined below, is needed. The Department will provide assistance and respond to “Officer Needs Help” calls when requested by officers of other agencies when in close proximity to the City.

   - “Officer Needs Assistance”
     - This term shall be used when additional non-emergency aid is required by a member. The requesting member shall include the location, followed by their unit identification and other pertinent information. The requested unit(s) shall be dispatched consistent with the relative priority of the request.

   - “Fireman/Paramedic Needs Help”
     - This term shall be used when immediate emergency police assistance is required because firemen are being attacked, attack is imminent, or another emergency exists. A specific unit(s) shall be dispatched Code Three and other available units in the vicinity shall respond Code Two, as needed.

   - “Fireman/Paramedic Needs Assistance”
     - This term shall be used when non-emergency police assistance is required. The requested unit(s) shall be dispatched consistent with the relative priority of the request.

   - Member In Imminent Danger
     - Code Five Procedure
     - When a member is in immediate danger or is being held against his/her will by a suspect who is able to monitor the member’s radio transmissions, the member will acknowledge the ESD’s status check by responding with the phrase “Code Five” or “Code Five, I’m O.K.” A member may report a Code Five at any time (e.g., the member could tell a suspect that he/she needs to check in with the ComCen and then simply call in that he/she is “Code Five, O.K.”)
When using this code, the member should speak as if engaging in routine communications. Upon receiving a Code Five transmission, the ESD shall calmly acknowledge, “copy Code Five”. The ESD will then immediately advise all other ESD’s which unit is reporting the Code Five, his/her location, and any other available information. The ESD will make no further attempts to contact the unit reporting the Code Five, and no further reference will be made to the Code Five by field units or ESD’s on the affected radio channel. The remaining dispatch channels will be placed on emergency traffic until all responding units are relocated to the same frequency and have been dispatched to assist. The unaffected channels should be cleared from emergency traffic at that time.

Response to Code Five Transmission

Any unit hearing a member report that he/she is Code Five will immediately switch to any other primary dispatch channel. The response shall then be coordinated between the ESD’s on the unaffected channels. All dispatching shall be handled by radio only and on a different channel than the one on which the Code Five was transmitted.

A minimum of three units shall be dispatched to the Code Five member’s location. The area or field commander shall be notified and a supervisor shall be dispatched. Officers responding to a Code Five will assume that the member needs emergency help and will act accordingly. The immediate response shall be tempered with the need for surprise. Emergency lights and sirens, therefore, should not be used in the immediate vicinity of the Code Five member.

Once a member has broadcast a Code Five, it may only be cleared by having at least two units make personal contact with the member who initiated the Code Five transmission.

B. Logging On/Off

Members who are on duty shall log on when they enter the field and shall remain logged on until they leave the field (e.g., follow-up investigators, Crime Scene Bureau Techs, etc.) or their tour of duty ends (e.g., Patrol Division officers and CSO’s).

Members shall log on either via radio or MDS no later than five minutes from the end of briefing, and shall not log off sooner than five minutes before the end of their shift.

When a member scheduled to enter the field is delayed in reporting for field duty he/she shall log on and on-view to reflect his/her status. When he/she cannot log on, the ComCen shall be promptly notified of the member’s status pending log on.

Members who logged on by voice shall log on via MDS as soon as practical.

AVL shall be activated at all times when the MDS is logged on.

Members shall log off when they go off duty.

Members in vehicles equipped with an MDS should log off via the MDS. All other members should log off by radio or telephone. This provision applies to all members who are required to log on.

When a member remains logged on after his/her shift was to end, and he/she cannot be raised by radio, the ESD shall notify a supervisor responsible for the district of assignment of the involved member. The supervisor shall take all necessary action to locate the member and to properly update his/her duty status and, when necessary, take appropriate corrective action.

C. Non-Functioning MDS

When possible, officers will not use units with malfunctioning MDS’s. When officers must drive a unit in which the MDS is not working, they shall notify the ComCen. It shall be responsibility of the ComCen to record all information that will then be transmitted verbally over the police radio. Members shall not attempt to repair the MDS or radio equipment themselves.
D. Portable Radios

Security of Radios

Members are responsible for the security and care of portable radios assigned to and/or used by them. Members shall not leave portable radios unattended under circumstances where they could be removed or damaged.

Radio Repairs

When transmitting or receiving difficulties are encountered with portable radios, the following procedures should be followed:

- The radio should be given a test count. When the reception or transmission is faulty, the radio should be taken to the Area dressing station or the Duty Office and tested with a new battery before being tagged for repair. Members shall not leave their portable radios at the radio shop for repairs. When the radio does not work properly or when a repair is needed which is unrelated to functionality, a repair slip (available at Area dressing stations or the Duty Office) should be attached to the radio and it should be taken to the Duty Office where a temporary radio may be signed out;

- When transmitting or receiving problems are encountered with a vehicle radio, the vehicle should be tagged for radio repair.

Unavailability by Radio

When a member is unable to monitor the radio as required, he/she shall immediately advise the ComCen of his/her location, the reason for being unable to monitor radio traffic, and alternative methods of contact (e.g., phone, pager, etc.). All such details shall be included in an event record of the member's activity at the time of such unavailability. The member shall immediately inform the ComCen when his/her ability to monitor the radio is restored.

E. Handling Calls for Service

Upon receipt of a voice transmission from an ESD, members will promptly acknowledge by repeating their unit number followed by "copy" or "check." All units who are logged on will promptly and accurately provide en route, arrival, and clearance information during responses to CFS and other on-duty activities.

F. Radio Broadcasts

Permissible Radio Broadcasts

The broadcasts described in this order shall be made in conformance with the following guidelines.

- Unless broadcasts are urgent, members should telephone the details to the ComCen to permit broadcast at a convenient time. When broadcasts are urgent, members shall request clearance from the ESD over the radio. The ESD will either give clearance, tell the member to stand by for clearance, or tell the member to telephone.

- Broadcasts shall be preceded with the broadcasting unit's identification, the type of broadcast being made, and identify the area to which the broadcast applies when only certain areas are affected (e.g., "3A21 broadcasting wanted persons in a PC 211, attention Southeast...", or "3A21 to all units, broadcasting an attempt to locate...", etc.)

- Broadcasts should be ended with the broadcasting unit's identification and the word "clear." The ESD shall acknowledge that the broadcast information has been "copied" or will tell the broadcasting member to telephone ComCen. It will be the broadcasting member's responsibility to call ComCen to complete the final written broadcast sheet.

- The text of the broadcast should include all available information pertinent to the broadcast, such as case number, times, locations, weapons used, suspect descriptions, vehicles, license numbers, etc.

- Broadcasts that are very lengthy should be broken into parts to allow other units to access the radio. These breaks are only a few seconds long and should be preceded by a phrase such as "3A21 break for traffic," and should be followed by a phrase such as "3A21 continuing attempt to locate..."
Wanted Persons Broadcasts

When a crime has been committed and the suspect or suspect vehicle can be identified and sufficient grounds for arrest are present, a “wanted persons broadcast” may be made. These broadcasts shall include the authority for arrest and sufficient information to locate the case or warrant referenced.

Attempt to Locate Broadcasts

An “attempt to locate” broadcast may be made whenever a member wishes a person or vehicle located and there is sufficient information to do so. The broadcast shall specifically state the course of action to be taken if the person or vehicle is located. These broadcasts shall not indicate that the person or vehicle is to be stopped and/or detained unless there is legal justification to do so. These broadcasts shall not indicate the person or vehicle is to be “held” specifically for another unit or member.

Informational Broadcasts

When a member obtains information that is of potential interest to field units, (e.g., armed persons, pending disturbances, pending 10851’s, etc.), a broadcast may be made.

G. Disposition Codes

Members shall clear all calls with the most applicable and accurate disposition code from the most currently published Field Event Classification code sheet.

E. SD’s are prohibited from creating disposition codes for events assigned to or created by members outside of ComCen. Any member clearing or creating an event for a miscellaneous case shall provide a complete, accurate code sequence including disposition, unit, classification, and location codes. This applies whether the call is cleared by voice, MDS, or PC terminal. ComCen personnel shall not create clearance codes for units who do not have a clearance sheet. ESD personnel shall not accept any incomplete disposition codes.

H. Conflicts/Countermanding

ESD Supervisors countermanding the order of the ESD shall contact the ComCen supervisor of the affected shift and discuss the reasons for the countermanded order and reasons for doing so. They will attempt to resolve any issues at this level. If they are unable to do so, the ComCen supervisor shall submit a memo outlining the problem to the ComCen Bureau Commander for review and further staffing through the chain of command for resolution if appropriate.

I. Status Changes

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the police radio or through the MDS. Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident. Other changes in status may be entered by depressing the appropriate keys on the MDS. Members who leave their vehicle for an on-duty meal, or who leave their vehicle for an extended period of time, shall on-view with the applicable 5A Status Code to include accurate completion of the location field.

J. Emergency Activation on MDS

If the emergency button is depressed on the MDS, the ESD will call the unit and ask if Code 4. If there is no emergency, then he/she should answer “Code 4” and all units will resume their normal activity. If there is no response or the member answers in some other way, the ESD shall proceed as follows:

- If the unit is not on a call, send available units to assist in locating the unit transmitting the emergency. Whenever a location is known, immediately dispatch the nearest available unit Code 3;
- Notify the field supervisor of the incident without delay.
Units not responding to the emergency shall refrain from transmitting on the radio until there is a Code 4, unless they are themselves handling an emergency.

K. Bomb Calls

When investigating reports of possible bombs, officers will turn off their MDS's. Operating the MDS may cause some devices to detonate.

L. Identification of Units

Before making a transmission, members shall identify themselves by detail number and, when applicable, the type of transmission to follow (e.g., “1A21, stops on a plate”). Except in emergencies, members shall await the acknowledgment of the ESD before proceeding with the radio traffic. All transmissions shall be as brief as possible.

M. Use of Multi Agency Channel (CLEMARS Channel 8)

All unit transmissions must be prefaced by agency and unit identifier (e.g., Fresno 2A21 or Sheriff 2Q02.) Control centers will also use agency identifiers (e.g., Fresno 1 (FPD), Fresno 2 (FSO), and Fresno 3 (CHP), etc.) Termination of any Multi Agency Channel will be the responsibility of the agency originating the request. The request to terminate may be made by radio or telephone.

N. Telephoning into ComCen

Members shall not phone a radio channel ESD directly unless instructed to do so by the ESD.
This procedure establishes guidelines for Department members using body worn cameras and the preservation of related digital evidence.

A. **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.com** - An on-line web-based media storage facility which stores digitally encrypted video recordings. Accessible to authorized personnel, based upon their security clearance, also maintains an audit trail of user activity;
- **Evidence Transfer Manager (ETM)** - A docking station which simultaneously recharges the AXON Controller and uploads all data captured on the AXON Camera to Evidence.com;
- **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 Evidence.com accounts and AXON cameras.

B. **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.

**Guidelines for Activation of AXON cameras** – Officers shall record interactions including, but not limited to, the following:
• 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);
• Officers assisting in an arrest or detention situation;
• Confrontational interactions with citizens;
• Vehicle and foot pursuits;
• Forced entries, search warrants and warrantless searches (including vehicles);
  o 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.
• 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 J below).

**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.

**Victims and Witnesses of Crime** – 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 M 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.
  o **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.
  o **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.

C. **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.

Additionally, AXON cameras should not be used to obtain statements solely intended for civil liability purposes.

D. **Operating Procedures**
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 axoncamera@fresno.gov before the end of shift.

Officers shall log into their Evidence.com 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 officer’s 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.

E. Documentation of Recordings
Recordings uploaded to Evidence.com 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. The identifying information must be entered using the
following format:

Case – 15001234 (eight-digit case number, no dashes, e.g. 15000732, 15000032, 15000002,
etc.)
Citation – E0274326
Event – 15AB1234

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. The below Category list is a representative sample and may
not reflect the current Categories or Retention. Current Categories are available at

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>RETENTION DURATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uncategorized</td>
<td>2 Years</td>
</tr>
<tr>
<td>01 - Call for Service, No Crime (including 5150’s)</td>
<td>1 Year</td>
</tr>
<tr>
<td>02 - Citizen Contact and/or Infraction</td>
<td>4 Years</td>
</tr>
<tr>
<td>03 - Traffic Stop</td>
<td>1 Year</td>
</tr>
<tr>
<td>04 - Misdemeanor Cite/Arrest (except Sex Crimes)</td>
<td>4 Years</td>
</tr>
<tr>
<td>05 - Misd. Investigation or Evidence Collection</td>
<td>3 Years</td>
</tr>
<tr>
<td>06 - Felony Arrest (except Homicide/Sex Crimes)</td>
<td>8 years</td>
</tr>
<tr>
<td>07 - Felony Investigation</td>
<td>7 Years</td>
</tr>
<tr>
<td>08 - Sex Crimes</td>
<td>Until manually deleted</td>
</tr>
<tr>
<td>09 - Homicide</td>
<td>Until manually deleted</td>
</tr>
<tr>
<td>10 – Training</td>
<td>1 Year</td>
</tr>
<tr>
<td>11 - IA Investigation</td>
<td>5 Years</td>
</tr>
<tr>
<td>12 - Critical Incident</td>
<td>Until manually deleted</td>
</tr>
<tr>
<td>Camera Test</td>
<td>2 Weeks</td>
</tr>
<tr>
<td>Pending Review</td>
<td>Until manually deleted</td>
</tr>
</tbody>
</table>
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 __________. Officers should also document in the disposition section of their written reports that a recording was made. AXON recordings will not be used in lieu of Crime Scene Investigation Section photographic or video-graphic documentation.

**F. 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 __________, 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.). Access to videos uploaded to __________ is controlled by the system administrator. An audit trail of individuals accessing, viewing or downloading videos via __________ will be automatically generated by the system and is accessible by logging into __________.

**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. In such cases where the involved officer(s) will view a video recording of the incident, they shall be provided the following admonishment:

"In this case, there is video evidence that you will have an opportunity to view before you have given your initial statement. Video evidence has limitations and may depict the events differently than you recall, and may not depict all of the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The “frame rate” of video may limit the camera’s ability to capture movements normally seen by the human eye. Lighting as seen on the video may be different than what is seen by the human eye. Videos are a two dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident."
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.

In the course of handling an inquiry or complaint in the field, a supervisor may review an officer's body worn camera video. In instances where the alleged misconduct did not occur and allowing the complainant to view the video may facilitate resolution of the inquiry or complaint, the supervisor may allow the involved party to view the video. Third parties who are complaining about the force used against another individual should not be shown body camera video.

When the inquiry or complaint involves use of force and the video shows any force being used by a(n) officer(s), a Receipt of Complaint will still be required, consistent with Procedure 1020. If the complainant rescinds their initial complaint after viewing the video, it shall be noted in the Receipt of Complaint. If the video clearly demonstrates no force was used by officers, the complaint may be documented on an Inquiry/Complaint Form (ICF) and entered into Blue Team, subject to review by the Internal Affairs (IA) commander. The IA commander will make a determination as to whether or not further investigation is warranted.

When a supervisor shows a portion of a video to the involved complainant, they must place “markers” on the video in Evidence.com, showing the beginning and end of the portion viewed by the complainant. A notation in the “notes” section of the video shall be made, indicating the starting and ending times of the portion of the video viewed.

Re-recording of any video or audio by the complainant (e.g. via cell phone camera) is not allowed under any circumstance.

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.

G. 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 system coordinator at axoncamera@fresno.gov. 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.
H. **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.

I. **System Coordinator and Administrator**

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 all other files are maintained in accordance with the Department’s retention schedule;
- Operation and user administration of the AXON system and Evidence.com;
- 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.

J. **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 applicable law, current discovery request practices and the provisions of Policy §810. 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 (refer to section O below).

K. **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 procedure. 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.

L. 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.
  - 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.
  - 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.

M. Recording Preparation

When an interview is to be recorded and time and opportunity permit, the recording officer should include the following information:

- The location of the interview or recording;
- The identities of all parties involved in or present at the interview or recording;
- Any other pertinent identifying information, such as phone numbers called during recorded phone conversations; informant numbers when name identities cannot be used, etc.
- Describe the time of and reason for any temporary stoppage of the recording (and include the fact all parties had knowledge of the stoppage.

When circumstances do not permit compliance with the above guidelines (i.e., spontaneous recordings), as much of the information as possible should be included at the end of the recording to identify the conversation.

Whenever possible, members should ensure the device recorded properly before the interviewed person leaves.

N. Detective Responsibilities

Detectives will be provided an account so that they may access recordings related to their specific investigations. Unless a reasonable purpose exists, detectives shall not access recordings that are not 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 shall 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 this procedure.
- The detective will ensure the recording(s) are submitted to the DA’s office in a timely manner.
- 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.

O. **SWAT Operations**
The purpose of the body worn camera (BWC) on a SWAT call is to record and document the contact and general enforcement action(s) with the suspect(s). Tactical operations involving SWAT are unique and present circumstances that can endure over extended periods of time that preclude continuous recording. Therefore, SWAT personnel shall record interactions including, but not limited to, the following when responding to a tactical SWAT incident:

- Arrests and detentions, or situations where an officer reasonably believes they will effect an arrest or detention;
- Officers assisting in an arrest or detention situation;
- Confrontational interactions with citizens;
- Vehicle and foot pursuits;
- Open area searches;
- Forced entries, search warrants and warrantless searches (including vehicles):
  - 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.
- Suspect interrogations (including Miranda advisement) and generally, interviews of victims and witnesses.

SWAT Team members who are participating in an active tactical event should be mindful of recording potentially sensitive situations. Members should consider not using BWC’s to record the below limited situations:

- The deployment of specialized tools or tactics that do not pertain to members coming into contact with the suspect(s) and taking enforcement action should not be recorded on BWC; or
- Discussion by team members during an incident regarding planning, specific tactics, placement of resources, use of specialized tools and equipment and strategies to be used generally should not be recorded.

The SWAT commander in charge of the operation may direct recordings to occur in any instance where they deem it necessary for the benefit of the Department and for documentation purposes.
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.

A. **Recording**
Officers are prohibited from utilizing Department issued audio recorders for personal use. Personally owned video recording devices are also prohibited. 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.

B. **Activation of the Recording Device**
Officers are encouraged to activate their Department issued 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.

C. **Recording Preparation**
When an interview is to be audio recorded and time and opportunity permit, the recording member shall:

- Test the recording device/equipment to ensure it is functioning and ready to record prior to commencing the interview or recording;
- Make a statement at the beginning of the recording to identify:
  - The date and time of the commencement of the interview or recording;
  - The exact location of the interview or recording, including room numbers, car numbers, etc;
  - The identities of all parties involved in or present at the interview or recording; and
  - Any other pertinent identifying information, such as phone numbers called during recorded phone conversations; informant numbers when name identities cannot be used, etc.
- Describe the time of and reason for any temporary stoppage of the recording and include the fact all parties had knowledge of the stoppage;
- Record the date and time at the beginning of each new side of each tape used and indicate when it is a continuation of a previous recording; and
- Record the date and time the recording was ended at the conclusion of each interview.

When circumstances do not permit compliance with the above guidelines (i.e., spontaneous recordings) as much of the information as possible shall be included at the end of the recording to identify the conversation.

Whenever possible, members should ensure the device recorded properly before the interviewed person leaves.
D. **Review and Reporting of Recorded Media Files**

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. Members shall document in the disposition section of their written reports that a recording was made and booked into evidence.

Recorded media files or storage devices booked as evidence or for safe keeping, may be reviewed in any of the following situations:

- By a supervisor investigating a specific act of officer conduct;
- 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;
- By the member who originally recorded the incident; and
- Pursuant to lawful process or by court personnel otherwise authorized to review evidence in a related case.

E. **Release of Official Audio/Video to Third Parties**

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 (refer to section G below).

F.

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G. **Detective Responsibilities**

Detectives will 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 audio/video recording(s) exist, the follow-up detective should review the recording(s) prior to providing them to the District Attorney’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 this procedure.
- The detective will copy the recording(s) from the original media storage device onto a disc or other media storage device and submit it to the District Attorney’s office.
- When the recording is of no evidentiary value, it shall be retained pursuant to the Department’s evidence retention schedule.

H. ** Copies of Recordings**

When a copy of a tape or digital upload is needed, the assigned detective should make a copy of the recording and provide it when the release is lawful and authorized by Department policy.
The original recording shall not be released to the custody of persons outside of the Department unless there is a legal requirement to do so.

I. Supervisor Responsibilities
When supervisors utilize a digital recorder for a Use of Force civil liability statement, the recording supervisor shall upload the recording into the database established by the Information Services Bureau. (See Procedure §349, section C – Reportable Force)

J. Repairs of Digital Recorders
When supervisors experience problems with issued digital recorders, they shall return the recorder to the Equipment and Supply Unit (ESU). ESU personnel shall return the device to the manufacturer for repairs (if still under warranty) and issue a replacement recorder.

K. Obtaining Audio Recordings from ComCen
When members need to review the audio recording of a call coming in to ComCen, or obtain an audio copy of the call for later use, they can:

- Request an audio recording by leaving a telephone message or by sending an e-mail to ;
- Request the recording by contacting the ComCen Supervisor at ; or
- Respond to the ComCen Supervisor’s office to listen to the recording.
  - When a copy is needed after reviewing the recording, the supervisor will provide a copy of the recording by e-mail, or CD when required for booking as evidence in a case.

Information needed to process the request includes the case number, event number, specific instructions on what you need, the reason for the request, and the deadline for the recordings. With the exception of investigators, officers need approval from their supervisor to obtain an audio recording.
A. **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.

- California does not provide any exception for individuals driving under the influence of marijuana. All such cases should be handled with appropriate enforcement action.
- 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 H&S § 11357, 11358 and 11359.
  - Unless a doctor has expressly recommended a greater amount, no qualified patient or primary caregiver may possess more than eight ounces of dried marijuana per individual H&S § 11362.77(a).
  - A qualified patient or primary caregiver may also maintain no more than six mature or 12 immature marijuana plants per individual.
- If a claim of medicinal use is made, the officer should proceed as outlined below.

B. **Medical 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.

C. **Qualified Patients**

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 (H&S § 11362.735). Such identification cards shall contain the following information:

- A unique serial number;
- An expiration date;
- The name and telephone number of the county health department approving the application;
- A 24-hour toll-free number for law enforcement to verify the card; and
- A photograph of the cardholder.

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 (H&S §11362.78)

If the individual does not possess a valid identification card, the individual claiming status as a “qualified patient” must minimally provide the following information:

- Satisfactory identification establishing current residency in California;
- A current and valid recommendation for marijuana from a licensed California physician; and
- Obtain a written waiver from the involved individual(s) authorizing the release of all related medical records.

D. **Primary Caregivers**

A primary caregiver is not authorized to use, sell, or possess marijuana for sale.

Additionally, a primary caregiver:
• Must provide sufficient proof that he/she is responsible for the patient’s housing, health and/or safety; and
• Must provide sufficient proof of personal knowledge of the patient’s medical needs and the details of the attending physician’s recommendation.

E. **Claim Requirements Met**
Once the handling officer is satisfied that the individual(s) making a medicinal marijuana use claim meets the above requirements, the officer should proceed as follows:
• A sample of the involved marijuana should be seized and booked into evidence;
• Any small amount of marijuana left in possession of a qualified individual for the limited purpose of medicinal use should be described and noted in the related report;
• If the handling officer has already taken the individual(s) into custody (vs. detention only) prior to establishing qualification for a potential medicinal use defense and there are no other criminal charges pending or being investigated, the individual(s) should be released pursuant to **PC § 849(b)**;
• If the individual remains in custody on any charge(s), the individual will not be permitted to use marijuana while being detained or held in jail or other law enforcement facility (H&S § 11362.785(c)); and
• The handling officer shall complete a report, which will be submitted to the District Attorney with all of the aforementioned documentation for a determination of whether or not the medicinal marijuana defense will apply.

F. **Return of Marijuana**
Regardless of the prosecution status or disposition of any related criminal case, the Department will not be responsible for the return of any marijuana seized as evidence unless presented with a valid court order requiring it to do so. (H&S § 11362.785(d))

G. **Medical Marijuana Dispensary**
Members should contact an SIB supervisor before initiating actions / investigations regarding locations claiming to be medical marijuana dispensaries listed in **FMC § 12-306 N (19)**.
The purpose of this procedure is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

A. 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.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Crime Center Commander. The Crime Center Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

B. ALPR Administrator

The Crime Center Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code §1798.90.5 et seq. This includes, but is not limited to (Civil Code §1798.90.51; Civil Code §1798.90.53):

- A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information;
- Training requirements for authorized users;
- A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws;
- Procedures for system operators to maintain records of access in compliance with Civil Code §1798.90.52;
- The title and name of the current designee in overseeing the ALPR operation;
- The retention and destruction of ALPR data; and
- Ensuring this policy and related procedures are conspicuously posted on the department's website.

C. Operations

Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code §1798.90.51; Civil Code §1798.90.53). Use of an ALPR is restricted to the purposes outlined below:

- An ALPR shall only be used for official law enforcement business;
- An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR;
- While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles;
- No member of this department shall operate ALPR equipment or access ALPR data.
No ALPR operator may access department, state or federal data unless otherwise authorized to do so; and if practicable, officers should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

D. Data Collection and Retention

The Crime Center Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures. All ALPR data captured using department-owned ALPR cameras should be downloaded to the server and 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. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

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.

E. 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):

- 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);
- 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
- ALPR system audits should be conducted on a regular basis.

F. Releasing ALPR Data

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- The agency makes a written request for the ALPR data that includes:
  - i. The name of the agency;
  - ii. The name of the person requesting; and
  - iii. The intended purpose of obtaining the information.

- The request is reviewed by the Crime Center Commander or the authorized designee and approved before the request is fulfilled; and
- The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Release of Records and Information Policy 810 (Civil Code §1798.90.55).

G. Training

The Crime Center Commander should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code §1798.90.51; Civil Code §1798.90.53).
A. 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.

B. 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.

Members shall NOT:

- Stop, detain, frisk, or search any person for the purpose of determining that person’s gender or in order to call attention to that person’s gender identity/expression:
NOTE: The above limitation does not prevent an officer from following the established department procedures relative to ensuring the proper processing of arrestees.

- Except when legally necessary (e.g. processing an arrest), either require proof of an individual’s gender or challenge an individual’s gender identity/expression;
- Use language that a reasonable person would consider demeaning or derogatory; in particular, language aimed at a person’s actual or perceived gender, gender identity/expression, or sexual orientation;
- Make assumptions about an individual’s sexual orientation based upon an individual’s gender or gender identity/expression; or
- Use a person’s gender or gender identity/expression alone as reasonable suspicion that the individual is or has engaged in a crime, including prostitution.

C. Determination of Legal Name
In the event a transgender person’s legal name is required, the person’s legal name should be obtained in the following manner:

Absent extenuating circumstances, an officer should ask the person for his or her legal name in a one-on-one situation. If the contact is in a group environment, the officer should ask the person to step outside the group to obtain the legal name and avoid “outing” the person.

If an officer asks a transgender person for his or her legal name in the presence of others, that officer shall provide a compelling, professional, and articulable reason for having done so.

D. Transgender Arrestees
An arrestee’s gender will be classified as it appears on the individual’s government-issued card.
1. For the purpose of listing gender on citations, arrests reports, and other official documentation, members shall use the designation listed in the most recent records in official government databases, starting with DMV.
2. For the purpose of listing the name, members shall always write an individual’s name as it appears on the individual’s government-issued identification card. If the arrestee identifies themselves using a different name, that name will be listed as the alias on the arrest paperwork.

The exceptions to the government-issued identification card policy are those arrestees who have had gender conforming/affirming surgery from:
1. Male to female will be processed as a female;
2. Female to male will be processed as a male.

In the event that a government-issued identification card is unavailable, the following criteria will be used in determining gender:

If the arrestee states they:
1. have male genitalia, the arrestee will be classified as a male; or
2. do not have male genitalia, the arrestee will be classified as a female.

In the event that there is uncertainty regarding the appropriate classification of an arrestee’s gender, a supervisor will be consulted for further guidance on the appropriate classification (e.g. In situations in which the arrestee does not have identification, and will not speak to police, supervisors can attempt to establish communication necessary to make a determination of the arrestee’s gender).

E. Transportation of Transgender Arrestees
Whenever practical, transgender arrestees will be transported alone. In situations with multiple arrestees, mass arrests, or where individual transport is not practical, transgender arrestees will be transported by gender classification.
F. **Processing of Transgender Arrestees**
Appearance-related items, including, but not limited to, prosthetics, clothes, wigs, or make-up should not be confiscated or removed from transgender people unless:
1. Such items present a safety hazard;
2. Impede the administration of medical attention;
3. Are needed for evidentiary reasons;
4. Impedes the administration of a criminal investigation; or
5. Interferes with prisoner processing.

If an officer confiscates or removes a transgender person’s appearance-related items, that officer shall provide a compelling, professional, and articulable reason for having done so.

G. **Juvenile Transgender Individuals**
All interactions with juvenile transgender individuals shall conform to the mandates set out by this policy. This procedure does not affect any other provisions outlined in applicable policies and laws covering the processing and handling of juveniles.

H. **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.
A. **Use of Temporary Traffic Control Devices**

Traffic control can be provided by any member of the Department utilizing items such as flares, cones, portable warning signs, and other similar devices, as appropriate, when directing traffic.

The following is a list of situations, which may result in traffic control:

- Traffic collision scenes;
- Special events (parades, races, sporting events, etc.);
- Emergency conditions (fires, earthquakes, floods, other disasters, etc.);
- Traffic signal light failure with approval from a supervisor;
- Inclement weather conditions;
- Traffic collision and/or traffic hazard; or
- Any unusual circumstances, which may require traffic control as deemed necessary by a field supervisor.

Requests for temporary barricades can be utilized for any of the above situations. All requests shall be made through ComGen and should include the type of barricades and/or control devices needed.

B. **Manual Operation of Traffic Control Devices**

Department members who are trained in the manual operation of traffic control devices (that are designed for manual use) may, under certain circumstances, control traffic. These circumstances include, but are not limited to, the following:

- Facilitating movement at traffic signals with field supervisor approval; or
- Special events.

Reflective vests/belts shall be worn when Department members are manually controlling traffic control devices.

C. **Directing Traffic**

**Reflective Vests & Flashlights:**

- Anytime a member is on a roadway (day or night) directing traffic, investigating a collision, 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.

**Hand Signals:**

Hand signals shall consist of the following, but are not limited to:

- **Stopping Traffic** - To stop traffic you should give one long blast of the whistle and raise your hand up so that your palm is facing the driver. Hold your hand up until the driver stops. This same technique can be used to stop traffic from both directions by holding both hands up simultaneously towards the directions of the traffic you want stopped.
- **Starting Traffic** - Give two short whistle blasts and point your arm and forefinger toward the car you want to start. Hold it until you get their attention. Then, with your palm up, swing your hand up and over your chin, bending your arm at the elbow. Use this signal to give the go-ahead for slow and or timid drivers.
- **Signaling for Turns** - Point towards the driver, giving him/her time to see the gesture. Then, point with your arm and forefinger in the direction that you want the driver to go. While one arm is pointing in the direction of the turn, use the other arm in the “starting traffic motion” to wave the driver into the turn.
D. **Vehicle Stops**

Selecting the Location

Officers shall, when possible, plan their vehicle stops in advance. They shall attempt to choose a location which minimizes escape routes and interference from passing traffic and which affords the greatest overall level of protection. Lighting, crowd, traffic, weather, and other conditions shall be considered when planning a stop.

Advising the ESD

When a unit is going to stop any vehicle, the ComCen shall be notified. The notification shall be made prior to the stop whenever possible.

Radio vs. MDS

Units equipped with an MDS may initiate a traffic stop with the MDS.

Radio Notification

Members shall initiate the radio notification with their unit identification and the word traffic (e.g., "5A31, traffic").

The ESD will acknowledge, after which the initiating unit should advise the ESD of all of the following:

- Anticipated location of stop;
- License number of the vehicle;
- Description of the vehicle;
- Number of occupants; and
- Whether or not an assisting unit is needed.

The initiating unit should wait for the ESD to acknowledge the above transmission before making the stop.

Once the stop is made, the initiating unit should update the final stop location when necessary.

Methods of Stopping Vehicles

Officers may use a combination of hands, horn, voice and/or emergency lights and siren to affect vehicle stops, as each situation dictates.

To reduce the possibility of a pursuit, officers shall not attempt vehicle stops until within a reasonable distance of the violator.

Assisting Units

Officers arriving as back-up units should not approach the scene of the stop from the front of the suspect vehicle.

Officers participating in the stop shall position themselves and their vehicles so as to provide maximum protection from the suspect(s) and from passing traffic.

Positioning the Police Vehicle

The police vehicle should be positioned approximately one car length behind the stopped vehicle and offset three to four feet toward the flow of traffic.

The police vehicle’s emergency lights shall be activated.

Contacting the Driver/Occupants

In most cases, it is preferable to have the occupants remain seated in the vehicle with the doors closed.

When an occupant is asked to exit by an officer, contact shall take place on the side of the involved vehicles away from the flow of traffic.
Occupants and/or officers should never stand between the stopped vehicles or near passing traffic.

**Advising the Driver/Occupants**
Officers should explain to occupants the reasons for orders given and actions taken during the traffic stop.

**Business Cards**
When no citation is issued to the violator, a Department business card shall be provided.

**E. High Risk Vehicle Stops**
When an officer has reasonable cause to believe the occupants of a vehicle have been involved in a serious crime or are armed, the stop shall be handled as a "high risk vehicle stop."

**Selecting a Location**
Members should pay close attention to all structures or persons who may be in the line of fire with the stopped vehicle.

**Advising the ComCen**
Officers shall advise the ComCen of their intent to make a high risk stop, and should supply all of the information required in Radio Notification.

Officers should also give the direction the vehicles are facing when stopped.

The ESD shall place the radio channel on emergency traffic.

**Waiting for Assistance**
Whenever possible, officers should wait for back-up units before initiating a high-risk stop or before attempting removal of the occupants.

**Removal of Occupants**
When necessary, the suspects may be ordered from the vehicle one at a time.

An officer shall, under cover of an assisting officer, handcuff the suspects (when appropriate), and conduct a search for weapons.

**Wrong Persons**
When the persons detained are not suspects in the crime for which the stop was made, a full explanation of the officers’ actions shall be provided.

**F. Undercover Vehicle Stops**
An undercover vehicle stop or “UC Stop” is a vehicle stop accomplished with multiple undercover plain vehicles. The UC Stop is generally utilized in connection with a surveillance operation when the occupant of a vehicle is wanted for a serious crime and there is a likelihood of a pursuit if a routine vehicle stop is initiated. Only officers who have prior documented training on the UC Stop may elect to use this technique. Unmarked or unconventional vehicles should not be used for traffic enforcement purposes unless properly equipped with emergency equipment.

**Selecting a Location**
Officers should choose the location of the stop using the same guidelines in Selecting the Location stated above.
**Communication**

Prior to initiating the UC Stop, a lead vehicle will be established and ensure that assisting vehicles are in position prior to initiating a UC Stop.

The lead vehicle will be responsible for clearly communicating by radio where and when the stop will be conducted.

When safe to do so (prior to or after the stop), members should notify ComCen of the UC Stop including location of the stop, license number of the vehicle, and any other pertinent information.

**Removal of Occupants**

Once the vehicle has been stopped, officers should revert to the tactics used in Section E, High Risk Vehicle Stops, as outlined in the above stated section Removal of Occupants.
A. Duties on Arrival at a Collision Scene
The traffic collision procedures outlined in the following subsections shall be followed by the first unit(s) to arrive at a collision scene, regardless of which unit will ultimately handle the investigation. The first arriving officer on scene shall be in charge of the scene and direct the response of assisting units. Once the Primary unit assigned to the traffic collision arrives on scene, he/she will assume responsibility for the scene and/or any related investigation.

Care for Injured
Members shall:
- Check for injuries and shall request EMS, Fire, and any other assistance as needed;
- Provide care and first aid for the injured pending the arrival of an EMS and/or Fire;
- Encourage injured parties to remain in their vehicle(s) until the arrival of medical assistance; and
- NOT attempt to remove an injured person from a vehicle absent a life-threatening situation.

Protection of the Scene
Members shall see to the protection of:
- Involved vehicles;
- Other traffic at the collision scene; and
- Personal property.

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.

Positioning of Police Vehicles
- When possible, police vehicles should be parked legally at the collision scene.
- When it is necessary to park in the street to protect persons or property, the emergency lights shall be activated to alert approaching traffic.
- Flares or Lite Flares shall be used as needed.

Major Traffic Congestion
Members responding to a traffic collision, where there is significant traffic congestion, may utilize their Code-3 equipment in order to access the scene of the collision. Once they have arrived, members should assess the scene and determine what additional resources are needed. These resources may include, but are not limited to:
- Personnel;
- Barricades;
- Signs; and
- Other resources as identified by the officer in charge.

If it appears that the incident is going to be lengthy the officer in charge shall advise ComCen who will subsequently relay the information to other agencies (FAX, Fire Department, EMS, Cal Trans, etc.).
Supervisor Notification
Members shall notify a supervisor of a traffic collision that involves any of the following:

- A fatality;
- Any injury defined in the CIM as "severe injury";
- The potential of civil litigation against the City, the Department, or any other public agency; or
- A City owned or leased vehicle.

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.

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 guidelines in Procedure §316B regarding authorized Code-3 responses.

Exception: CSO’s and Cadet II’s are not authorized to respond Code-3. When a CSO or Cadet II is dispatched to a traffic collision involving a disturbance or fight, they shall confirm with the ESD that a disturbance/fight is occurring and request that a sworn member respond until the scene is stabilized.

B. Collision Documentation
The following subsections shall be used to determine which type of collision format is required and the contents of that documentation. Except for those situations described in this section, no collision report will be taken.

Collision Investigation
A Collision Investigation shall consist of all elements and forms required by the Collision Investigation Manual (CIM) to document a collision that involves any of the following:

- A fatality;
- Any injury defined in the CIM as "severe injury";
- The potential of civil litigation against the City, the Department, or any other public agency;
- The arrest or citation (notice to appear or notice of violation) of a driver for a misdemeanor or felony traffic violation causing the collision (including DUI);
- The potential for a felony prosecution absent an arrest (e.g., Hit and Run); or
- Any City owned or leased vehicle.

Collision Report
The Report Writer system (RPW) shall be the primary method for documenting collisions, unless express permission has been granted by the division commander to utilize another method of reporting (i.e. handwritten, alternate computer software, etc.).

A Collision Report shall be used to document a collision that involves any of the following:

- Hit and run collisions when there is sufficient information available to identify the hit and run driver through follow-up investigation;
- Injury collisions (other than "severe injury") that result in the immediate removal of any person(s) by ambulance to a medical facility;
- Damage to City property (Vehicles, light poles, traffic signs, buildings, etc.); or
- The issuance of a notice of violation to a driver for a traffic infraction causing the collision.

The Collision Report shall consist of all of the elements and forms required by the CIM. This shall include documenting any insurance information presented by the driver, regardless of its expiration date.
Notices of Violation at Collision Scenes
When issuing a Notice of Violation, per VC §40600, the issuing officer shall check the box "Offense(s) not committed in my presence, completed on information and belief." The officer shall give the violator the yellow copy of the form and admonish him/her that failure to take care of the matter with the Traffic Court, within the prescribed time, may result in a complaint being issued by the DA's Office. The violator shall not sign the Notice of Violation form. Instead, officers shall insert the words: “Notice of Violation, VC 40600” on the signature line.

Officers issuing a Notice of Violation at a collision scene shall document the incident as a Collision Investigation (for misdemeanor violations) or as a Collision Report (for infraction violations). Either form of documentation shall include the description and details of any violations which have been substantiated by witnesses and/or evidence.

A citation issued as a Notice of Violation shall be attached to the collision documentation and submitted to Records. The case number of the report shall be listed on the Notice of Violation.

Notices to Appear at Collision Scenes
When a driver has no valid license [VC §12500(a)] or has a suspension or revocation action, officers shall investigate the license violation including service of notice and taking enforcement action where permissible (e.g., citizen's arrest). Driver's license violations do not, in and of themselves, require the collision to be documented as an investigation.

When violations exist which would justify issuance of both a Notice of Violation and a Notice to Appear, the charges may not be combined. Instead, separate citations shall be issued for the respective violations. The Notice of Violation and the Notice to Appear shall be clipped together and processed as a single complaint.

C. Special Collision Documentation

Private Property Collisions
Collisions that occur on private property will be reported under the same criteria established under the above stated section: Collision Report.

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 VC §20002. Except as provided under section B – Collision Documentation, no report is required for collisions producing property damage only.

Criminal Violations
When a collision involves an arrest for a criminal violation, the arrest shall be documented in a CR in addition to any required collision report.

Exception: Hit and run arrests do not require a CR but may be addressed solely in a Collision Investigation. Hit and run collisions with no suspect information should be documented as a Synoptical Report.

Examples:
DUI with collision: A Collision Investigation and Sobriety Report are required. The collision investigation need contain only those narrative details dealing with the collision while the Sobriety Report need contain only those narrative details which address the DUI arrest, evidence, etc. Both reports will use the same case number but each will be numbered separately.

DUI with collision, driver in possession of a loaded, concealed handgun: A Collision Investigation, Sobriety Report, and a LERF [to document the PC §§25400(a) and 25850(a) charges] are required.
Intentional Collisions/Legal Intervention
Collisions that are caused intentionally or instances of “legal intervention” (as defined in the CIM) are not motor vehicle collisions and shall not be documented as such. Instead, the incident shall be documented in the applicable CR or GIR.

Industrial Traffic Collisions
Collisions/Accidents involving work vehicles (or mobile machinery) on private or public property which are in use as industrial equipment (graders, back-hoes, water trucks, etc.) which result in injury or death will be classed as industrial accidents and will be reported as outlined in Policy §360.

Collisions involving such machinery, when it is not in use as industrial equipment (e.g., in transport from one job to the next), shall be reported as traffic collisions consistent with the requirements of this order.

Traffic Collisions Involving City Vehicles
Traffic collision investigation reports shall be taken when a City owned vehicle is involved in a traffic collision wherein any damage or injury results. Supervisors shall contact the CRU Sergeant to request a Traffic Unit (Special Investigation Team) response for any City vehicle involved in a collision that results in the transport of any involved person to a medical facility.

When a collision results in no injuries and no damage to any vehicles or property, a general information (GI) report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor if the collision:
- Occurs on private property; or
- Occurs upon a roadway or highway and does not involve another vehicle.

D. Department Vehicle Collisions (DVC)
Collisions involving members operating City owned or leased vehicles, or other vehicles used during the course and scope of official Department business shall be investigated and reported by an officer of the Department other than an officer driving or riding in a vehicle involved in the collision. The investigation shall be completed under the on scene direction of a supervisor. The report shall be reviewed for completeness and approved by the same on scene supervisor.

Investigations Outside of the City
When a DVC occurs outside of the City, the investigation should be completed by the agency that has responsibility for the jurisdiction in which the collision occurred.

When a DVC occurs in close proximity to the City limits, a supervisor shall respond to survey the collision scene. When the investigating agency is unable to provide the necessary photographs, measurements, and/or evidence collection normally provided by Crime Scene Investigations (CSI), a CSI Technician should be requested.

When a DVC occurs in another jurisdiction, the investigating agency shall be requested to forward a copy of their report(s) to the Investigating Supervisor, who will upload the report(s) to the collision review package submitted using the BlueTeam web interface.

Special Provisions for Collision Documentation
When completing the Collision Investigation for the DVC:
- Involved members may use the address of the Department as their residence address;
- The City assigned vehicle number shall be written in the "miscellaneous" box;
- The name(s) of the insurance carrier(s) for involved parties other than members shall be listed in the designated space on the face sheet;
- The words "On Duty Emergency Vehicle" shall be written in the "Special Conditions" box and in the name box above the member's name when the collision involves an on duty sworn member (including reserves) operating an "authorized emergency vehicle" as defined in VC §165. When
the vehicle involved is not registered to the Department or the City, an explanation establishing it as an authorized emergency vehicle shall be included in the report narrative;

- The provisions of VC §21806 shall be considered during the investigation and subsequent documentation of the collision; and
- The investigation shall be reviewed/approved by a supervisor.

**Administrative Processing and Review**

"Administrative Processing" refers to the gathering and distribution of the documents generated as a result of a DVC. "Administrative Review" refers to the actual review of the investigation to determine if the member acted in accordance with statutory requirements, established Department guidelines and procedures, and with the degree of care required.

Administrative processing and review commences with the supervisor present at the scene and culminates with a final decision by the division commander of the involved member. This review will result in a finding that the driving behavior either was or was not within Department vehicle operation guidelines defined in [Policy & Procedure §703](#) and other related orders.

When an officer is "at fault" in a collision and one of the following occurs, the incident shall be investigated through a formal Administrative Investigation:

- 2nd collision in prior five years;
- The collision is with an occupied vehicle, bicyclist, pedestrian or under circumstances where another party is potentially injured;
- The collision results in major damage to property or the officers vehicle; or
- At the request of a staff member with concurrence of a Division Commander.

All other collisions may be handled through the Administrative Review process. In the Administrative Review process, a Division Commander is required to approve of the proposed discipline or corrective measure.

**Supervisor’s Responsibilities**

Prior to completion of their shift, the supervisor shall:

- Create a collision review package using the BlueTeam web interface to include answering related questions and selecting appropriate entries via drop down boxes;
- Attach a copy of the Automobile Accident Loss Notice to Blue Team;
- Click “save” (can be accessed by the IA secretary); and
- Send a copy of the Automobile Accident Loss Notice Loss to the Collision Review Officer and District/Bureau Commander.

Within 10 days of the collision, the supervisor will complete the collision review package and forward it to the Collision Review Officer via BlueTeam. The package will include:

- Unusual Occurrence Report (when required);
- Automobile Accident Loss Notice; and
- Collision Investigation;

If a collision results in the transport of any involved person to a medical facility, the supervisor shall contact the CRU Sergeant to request a Traffic Unit (Special Investigation Team) response. The report will be reviewed by a CRU detective prior to its submission for approval.

When a supervisor determines that a DVC may result in disciplinary action, he/she shall conduct the investigation consistent with the requirements of the Public Safety Officers Procedural Bill of Rights (GC §3300, et seq.)

**Collision Review Officer**

The Collision Review Officer is appointed by the Chief of Police and is responsible for:

- Creating a log to track each collision package.
• Reviewing the Automobile Accident Loss Notice for completeness and forwarding to Risk Management and the Fleet Maintenance Supervisor,
• Reviewing the collision package and determine a finding; and
• Forwarding the collision package via Blue Team to the commanding officer of the involved member.

**Commanding Officer Responsibility**

The commanding officer of the member involved in the DVC shall review the Collision Review Officer's findings, making a determination if he/she concurs or disagrees with the findings.

When the review by the commanding officer is in concurrence with the findings of the Collision Review Officer, the commanding officer shall forward the entire package via BlueTeam to the bureau commander of the involved member.

When the review by the commanding officer is in disagreement, the Collision Review Officer and the commanding officer shall meet to attempt to reconcile the differences. When the differences are reconciled in this meeting, the Collision Review Officer shall update the collision review package indicating the results of the meeting and the final findings. The entire package shall then be forwarded via BlueTeam to the division commander through the involved member's chain of command.

When the findings of the Collision Review Officer cannot be reconciled with those of the commanding officer, the commanding officer shall update the collision review package, detailing the differences. He/she will forward the entire package via BlueTeam to the division commander through the involved member's chain of command.

**Review of Findings by Division Commander**

The division commander will review the entire package and make a preliminary decision as to a course of action. Notification of the involved member of the decision of the division commander will be handled by the Internal Affairs Bureau consistent with established procedures on internal investigations.

**Maintenance of Files**

Upon completion of the entire review process, collision review packages shall be maintained by Internal Affairs for five years, after which they may be purged.

Records of DVC’s may be considered as “disciplinary history” in connection with a subsequent collision for five years from the date of completion of the entire review process for prior collision(s).

**E. Requesting Collision Reconstruction Unit (CRU) Response**

The investigating member's supervisor shall make the initial determination that a CRU response is required. A district commander or field commander will review the supervisor's recommendation and make the final decision to have the Duty Office contact the on-call CRU Supervisor. In the absence of a district commander or field commander, the on-scene supervisor shall make the decision to notify the CRU Supervisor.

Upon arrival at the scene, the CRU member shall assume responsibility for direction and coordination of the collision investigation. CSI, the Coroner, and tows shall not be requested on calls involving a CRU response until approval has been given by the CRU member.

**CRU- Response Criteria**

CRU members shall respond to:

• Fatal or severe injury collisions involving on duty members, on duty City employees, and on duty members of allied law enforcement agencies;
• Fatal collisions where the investigating member and scene supervisor believe a prima facie case exists to support a charge of murder, or vehicular manslaughter;
• Collisions likely to result in a fatality, where criminal charges may result;
• Fatal collisions where the cause cannot be determined by on scene personnel;
• Collisions with a fatality in which there is a reasonable belief that the collision did not cause the fatality;
• Collisions that result in the response of investigators of the National Transportation Safety Board;
• Collisions that result in the spillage of a significant amount of hazardous material(s);
• Collisions resulting in fatal or severe injury or major property damage where it is likely the City is potentially exposed to civil liability; and
• Any other collisions where the on scene supervisor believes technical assistance is required, and the response is approved by a district commander or field commander.

Removal of vehicles During CRU Investigations
In the event of a CRU call-out, only tow companies from the CRU rotation tow list shall be utilized to impound vehicles.

In any collision investigation meeting the above stated criteria, all vehicles shall be impounded for mechanical inspection. In cases other than those listed in the above stated criteria, impounds for mechanical inspection should be limited to felony investigations where a specific need exists.

When a member feels a vehicle inspection is necessary, he/she shall contact his/her immediate supervisor who shall evaluate the request.

Upon approval, the investigating member shall have the ComCen contact the appropriate tow company from the CRU rotation tow list. A Police Hold shall be placed on the vehicle and it shall be impounded as evidence pursuant to VC §22655.5. The member will ensure that the tow truck operator is aware that the impound is for CRU follow-up, to ensure proper disposition of the vehicle. When the collision investigator is not a CRU member, he/she shall notify the CRU office of the request for a mechanical inspection by voice mail.

F. Opinions About Traffic Engineering Issues
Opinions about possible contributing factors to a collision which involve City traffic signals, signs, roadway designs, etc. should not be entered into a collision report.

These concerns or opinions shall be submitted on a memo addressed to the Traffic Safety Section Commander who will follow up on the concerns with the City Traffic Engineer.

G. Hazardous Situations
When a collision results in damage to traffic signs or signals or other property creating an immediate hazard, the investigating member shall immediately notify the ComCen and arrange for the direction of traffic until the proper right-of-way controls are restored or temporary devices are installed.

Vehicle Fires
Members responding to collisions involving a vehicle on fire shall adhere to the guidelines in Procedure §316B – Authorized Code-3 Responses and upon arrival the incident shall be handled in a manner consistent with the guidelines outlined in Procedure §345A – Member’s Duties Before Fire Department Arrival.

Hazardous Materials Spills
Members encountering collisions involving suspected hazardous materials spills shall proceed as outlined in Procedure §412 – Hazardous Material Response.

H Photographs and Measurements
Photographs, measurements, and evidence collection will be requested of CSI personnel when:
• A collision involves a fatality or potential fatality;
• Necessary to assist with the prosecution of a felony charge resulting from the collision;
• There is a probability of future litigation against the City; or
• Other circumstances are present in which a supervisor deems necessary.

I. **Area of Impact (AOI)**
An AOI shall be included in all required collision reports.

• Collisions occurring:
  o In an intersection, the AOI shall be identified by measurements from the curb lines or roadway edges of the intersecting streets.
  o Outside of an intersection, the AOI shall be identified by measurements from the curb lines or roadway edges of the street involved and the nearest cross street.
• Measurements shall be expressed in approximate feet unless an accurate measuring device is used.
• When the distance to the nearest cross street is too great to measure in feet, the odometer of a vehicle may be used to measure the distance, which will be expressed in approximate tenths of a mile.
• When it is necessary to more precisely indicate the AOI, a second description of the AOI may be included in the narrative of the report. This measurement shall be made from any nearby permanent fixed object and the roadway curb or edge. The second measurement will supplement, not replace, the measurement to a cross street.

J. **Follow-Up Investigations**
Special routing of a collision investigation for follow-up investigation may occur where the collection of off-scene data, collisions reconstruction, or expert technical assistance is required to support felony charges.

When the follow-up investigation is limited to obtaining additional witness or victim statements, the primary investigative officer should respond when possible.

When follow-up is needed, a copy of the original investigation should be routed to the CRU Investigators, through the member’s immediate supervisor, with an explanation of what follow-up is needed.

Members requesting a collision reconstruction or expert technical assistance:
• Are required to support felony charges; and
• Shall have completed the required factual diagram and have CSI take appropriate photos of the scene.
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.

A. Definitions

Evidence Tow – A member has legal authority to cause the removal of a vehicle by one of the Department’s contracted tow companies when any vehicle is found upon a highway or public or private property and a member has probable cause to believe:

- The vehicle was used as the means of committing a public offense; or
- The vehicle is itself evidence which tends to show that a crime has been committed or that the vehicle contains evidence, which cannot readily be removed, which tends to show that a crime has been committed.

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.

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.

B. Vehicle Impound Requirements

Vehicles may be impounded:

- For further investigation/evidence.
  Exceptions: Recovered stolen vehicles shall be towed utilizing the normal tow rotation list in DTS. Misdemeanor Hit & Run vehicles shall not be towed as evidence. Officers should take photos or utilize the body worn camera to document damage. Vehicles should be released to the registered owner or towed under the Community Care Doctrine.
- Pursuant to VC §23109.2 when the vehicle was involved in:
  o Reckless driving on a highway, as described in VC §23103(a);
  o Reckless driving in any off-street parking facility, as described in VC §23103(b);
  o A motor vehicle speed contest, as described in VC §23109(a); or
  o Exhibition of speed on a highway, as described in VC §23109(c).
- For registration expired in excess of six months, and/or evidence of false registration (False Tabs) [VC §22651(o)]
- When the driver has been cited for VC §12500 and has no active license suspensions, the vehicle can only be impounded if, pursuant to the Community Care Doctrine (CCD), leaving the vehicle at the scene would:
O Jeopardize public safety;
O Jeopardize the efficient movement of traffic; or
O Subject the vehicle to vandalism or theft.

Note - Members will include a notation on the CHP 180 Form indicating which CCD applied. DO NOT impound when the driver is cited for VC §12500 simply because no other licensed driver is available when the Community Care Doctrine does not apply.

Members must get supervisor approval before releasing a vehicle on scene after having issued a citation for any of the above violations.

Vehicles shall be impounded:
- When the driver has been cited for VC §12500, and DMV, citation data, or RMS records indicate the driver has been previously cited for the same offense. This indicates “prior knowledge” and proof of the offense will continue, therefore the vehicle shall be impounded pursuant to VC §22651(p);
- When the driver has been cited for VC §12500, but has an active suspension on their license. Regardless of knowledge of the suspension, the vehicle shall be impounded pursuant to VC §22651(p);
- When the driver has been arrested/cited for any violation of sections VC §14601; Violations of VC §14601 require knowledge of the suspension or revocation. Knowledge is established by a valid service code indicated in the drivers DMV record. The service codes are listed below;
  - A - First Class Mail, not returned unclaimed
  - B – Served, Signed Document on File
  - D- Personal Service Document On File
  - H- Acknowledgement, No Signature
  - I- Returned Unclaimed
  - J – Written Notice Service By Officer
  - K- Refused Service
  - L – Reported Deceased
  - M – Verbal Notice Document on File
  - P- Personal Service
  - R- Personal Service Unsuccessful

All of the service codes constitute proof of knowledge of the suspension or revocation for enforcement purposes, with exception of “I”, “K”, “R”.

When knowledge of the suspension or revocation can not be established through service codes the driver shall be issued a DL310 verbal notice by Peace officer and cited VC §12500(a) and the vehicle shall be impounded.

*NOTE: Pursuant to VC §14601 through VC §14601.5(a) service code “A” First class mail, not returned unclaimed, knowledge of suspension or revocation is “conclusively presumed” and therefore service is valid. VC §13106 refers to that presumption of knowledge as a “rebuttable presumption”. Any request of “personal service needed” with service code “A”, does not affect the valid service, it is merely a secondary notification that eliminates the “rebuttable presumption” provision of VC §13106. The District Attorney's Office WILL NOT file on service code “A”, unless the driver admits to having knowledge and this information is included in the police report. Therefore, if the driver refuses to acknowledge the suspension on an “A” service code, the driver shall be cited for CVC 12500(a) and the vehicle shall be impounded. The “Community Care Doctrine” does not apply in this situation since the driver's privileges have been suspended. It is imperative that members complete a DL 310 so that the service code can be updated showing the driver has been advised of the suspension by law enforcement. ComCen shall be advised that the vehicle is being impounded for an unlicensed driver.
• When the driver has been arrested/cited for VC §§23140, 23152, or 23153:
  o DUI impounds for VC §§23140, 23152, 23153 will follow the guidelines set forth in VC §§22651(h)(1) & 22651(h)(2);
  o Officers shall check the DMV record of all DUI offenders to determine prior convictions for DUI. Vehicles of repeat DUI offenders shall be impounded as follows:
    ▪ Impound for 5 Days when the driver has been determined to have been convicted one time of violating VC §23140, VC §23152 or VC §23153 within the prior 10 years, per VC §14602.8(a)(1) and at least one of the following criteria:
      • The driver has a BAC of .10% or more; or
      • The driver refuses to submit to or complete a chemical test requested by an investigating officer.
    ▪ Impound for 15 days when the driver has been determined to have been convicted two or more times of violating any combination of VC §23140, VC §23152 or VC §23153 within the prior 10 years, per VC §14602.8(a)(1) and at least one of the following criteria:
      • The driver has a BAC of .10% or more; or
      • The driver refuses to submit to or complete a chemical test requested by an investigating officer.
    ▪ Officers should indicate the length of the hold (5 or 15 days on the CHP 180 Form); and
  o Officers shall check the DMV record to determine any requirements for any ignition interlock devices. Any vehicle of a DUI offenders found in violation of this requirement shall be impounded pursuant to the provisions of VC §14602.6(a).

30 day impounds:
30 day impounds will follow the guidelines set forth in VC §14602.6(a) and/or VC §23109.2 when the driver has been arrested/cited for any violation of sections VC §14601, VC §23103 or VC §23109.

Vehicles may only be impounded for 30 days pursuant to VC §14602.6(a), when the driver is the registered owner and all other provisions have been met. Vehicles impounded for VC §12500 will not be impounded for 30 days.

C. Evidence Tow
A member shall obtain approval from the assigned/on-scene investigative unit or the member's supervisor to impound a vehicle for further investigation/evidence (i.e. the vehicle itself constitutes evidence in a crime, to secure the vehicle while obtaining a search warrant, VIN discrepancy, contains evidence, etc.).

The member shall request an “evidence tow”. ComCen will then contact the appropriate tow company from the evidence rotation tow list in the Dispatch & Tracking Solutions Program (DTS). The requesting member shall contact the investigative unit the vehicle is being held for and advise them of the tow.

A member shall follow the vehicle from the scene to the tow yard. When the vehicle is placed into the holding bay, the member shall place a strip of Evidence Tape over all access points to the vehicle’s interior or cargo areas (e.g. doors, trunk, hood, camper shell window/hatch, etc.). The tape shall be placed in such a manner that would break the seal if opened. After placing the evidence tape on the vehicle entry points, the member shall initial and date the tape to ensure the chain of custody. Prior to leaving the tow facility, the member shall complete tow sheet in RPW and forward the vehicle impound information to Teletype. The member shall document following the evidence vehicle and securing it in their report.

Investigation’s Responsibilities

Investigators should consider releasing the vehicle once processing is complete and evidentiary items have been collected. The release of a vehicle shall be considered on a case specific/case by case basis. It is the investigator’s responsibility to determine if and when the release shall take place.
The releasing investigator shall contact the tow coordinator by email and advise the vehicle is available for release. The releasing investigator shall notify the registered or legal owner that the vehicle is available for release and direct them to the tow yard. Notification shall be either by phone or letter. The letter shall be sent to the Registered Owner’s address and shall include the case number, release information, and vehicle information. A copy of the letter shall be attached to the report. Unless otherwise noted, all City Administrative fees and tow charges are due to the tow company.

Investigative unit supervisors are responsible for ensuring that vehicles are released from evidence holds in a timely manner, and notification regarding the release is made to the Tow Coordinator, and the Registered Owner of the vehicle.

D. **Vehicle Towing Rules**

- To enhance public safety, members should make reasonable attempts to secure transportation for occupants when their vehicle is impounded, and:
  - Occupants are unable to arrange their own transportation, or;
  - Occupants request assistance in arranging transportation. This may include calling a taxi for the occupants at their expense, or phoning a friend/family member to pick them up. With supervisor approval, members may transport occupants to a safe location within a reasonable distance.

- Responding tows are required to respond within 30 minutes after being contacted by ComCen through the DTS System. Tows being requested during commuting hours (0700-0900 and 1600-1800) are given a 45 minutes response time. When a tow service fails to respond within the required 30 or 45 minutes, the ComCen should be notified to cancel the original tow and dispatch a different tow service. A canceled tow service is considered unauthorized and will not be allowed to remove the vehicle. Members will refrain from requesting ETA’s from the ComCen within this 30 to 45 minute period.

- All motor vehicles, including off highway vehicles stored or impounded by members, shall be inventoried (completion of a CHP 180 Form).

- Vehicles such as dirt/mini bikes, go-carts, etc., are illegal for street operation. Officers who encounter off highway vehicles should consider citing for **VC §24002(b)** – Vehicle not equipped as provided by the Vehicle Code, or **VC §4000(a)** – Unregistered vehicle on a highway. Operators who are unlicensed, suspended, or with revoked driving privileges should be charged with the appropriate violation and the vehicle impounded under **VC §22651(p)**. Members shall advise ComCen of the reason for the tow and that they need a tow for a dirt/mini bikes, go-carts, etc.

- When a vehicle is stored or impounded and the driver/owner is present, he/she will be provided with a completed “Towed Vehicle Information Sheet.”

- When a vehicle needs to be impounded after being involved in a major crime or collision, a CRU (Collision Reconstruction Unit) tow will be requested.

- Officers may impound a vehicle as evidence in a crime, with or without the owner’s permission, based on probable cause. When vehicles are towed as evidence, the member shall request an “evidence tow”. Members are required to advise ComCen of the investigative unit for which the vehicle is being held as evidence. ComCen will enter the investigative unit into the DTS program on evidence tows. Evidence tows include vehicles held for evidence for Hit & Run, evading, VIN verification, arson, recovered stolen vehicles involved in a crime or cases which require follow-up investigation by a detective. **Exception:** Recovered stolen vehicles not requiring follow-up investigation shall be towed utilizing the normal rotation tow list.

- Except under unusual or emergency situations, no other tow company than the one dispatched will be allowed to tow a vehicle.

- Vehicles to be towed shall not be driven by members, unless necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, at a DUI Checkpoint, or to comply with posted signs.
• The driver/owner will be advised the Department is not responsible for theft or damage to the vehicle.

E. **Completion of a CHP 180 Form**

Members initiating the towing and storage of a vehicle will complete a CHP 180 Form and submit it to Records prior to the completion of their shift.

- The Yellow copy is given to the tow operator. All other sheets are sent to the Records Bureau.
- The CHP 180 Form will be completely filled out and will include a description of property within the vehicle (see below).
- The member who completes the CHP 180 Form will notify Teletype as soon as reasonably possible from the time the vehicle was towed, except at Checkpoints where the CHP 180 Forms will be turned in to Records at the conclusion of the Operation.
- When a member removes a vehicle and uses the electronic inventory in RPW to document the removal, the report shall be sent to Teletype electronically as soon as it is completed. The tow operator will be provided with a Tow Information Form.

**Vehicle Inventory Searches**

Property in a stored or impounded vehicle will be inventoried and listed on the CHP 180 Form. All property of evidentiary value found in a vehicle in plain view and/or resulting from a legal search shall be seized from the vehicle prior to impound and shall be booked consistent with normal booking procedures. This includes the trunk and any compartments or containers, even if closed and/or locked. When a container is locked and the key is not present, members will contact a supervisor and advise them of the circumstances, prior to forcing open the locked container. Members shall inventory all items that can legally be opened without damaging the containers or the contents. When something is not opened due to probability of damage or not legal to do so, it shall be noted on the CHP 180 Form. Members conducting inventory searches should be thorough and accurate (as practical) in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner’s property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

F. **Towing Services**

The Department contracts with specific tow companies when towing department vehicles. Should a member need a tow for a City owned vehicle, a request will be made through ComCen for a “City” Tow.

**Complaints Against Tow Companies**

Complaints regarding the performance of tow services shall be sent to the Traffic Bureau for review by the Tow Coordinator. Members who observe, or who are subject to, unprofessional and/or rude behavior by the tow service, or who observe the tow service failing to comply with Department procedure or any requirement of law shall notify the Tow Coordinator, via Department email or voicemail.

Should a tow service fail to arrive to a call within the 30 to 45 minute time period, or cancel themselves from a call after 10 minutes, the Tow Coordinator shall be notified by ComCen.

G. **Removal of Disabled Vehicle in Traffic Collision**

When a vehicle has been involved in a traffic collision and must be removed from the scene:

- If a vehicle is blocking any portion of the roadway and cannot be moved by the driver or responsible party, the member shall request a tow for a collision with road blockage. A CHP 180 Form will be required for this tow under the authority of **VC §22651(b)**. An owner’s preference will NOT be allowed in these circumstances.
- If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the member will request a tow for a collision with road blockage. A CHP 180 Form will be required for this tow under the authority of **VC §22651(g)**. An owner’s preference will not be allowed in these circumstances.
• If a vehicle is out of the roadway or can be moved out of the roadway, the driver or responsible party will be allowed to take possession of the vehicle. If the driver requests a tow, the member will ask the driver if they prefer a specific tow service and, if possible, advise ComCen of the request for an “owner’s preference” (no CHP 180 Form required).
• If a “no preference” tow is requested, a company will be selected from the “owner’s no preference” (rotational list of towing companies in DTS) by ComCen (no CHP 180 Form required).

Per the VC §27700, tow truck operators shall remove broken glass, spilled fluid, and other debris from the scene of traffic collisions. Members shall ensure that the tow operator complies with the removal requirements. If the tow driver leaves the scene prior to cleaning the area, the member shall contact ComCen to have the tow driver return to complete the cleanup. The member shall notify the Tow Coordinator, via Department email or voicemail.

H. Notifications
Records Bureau is responsible for the notification of vehicle owners as required by VC §22852.

Records will send the original CHP 180 Forms to the Tow Unit. The Tow Unit will review the CHP 180 forms for accuracy and return them to the Records Bureau. If it is determined that the charges do not meet the 30 day impound criteria, or a Post Storage Hearing has been conducted and it is decided that the vehicle can be released prior to 30 days, it will be the responsibility of the Tow Unit to notify the registered owner of the vehicle of the release by letter or telephone.

Any modifications to vehicle release dates or fees will be made by the Tow Coordinator in the DTS program.

I. DTS Tow Reason Codes
ComCen shall be advised by the member requesting a tow truck of the reason for the tow. The reason must be accurate as it sets the administrative fees the driver or the registered owner will pay to have their vehicle released. As an example, if a member requested a tow truck for a collision blocking a roadway, but later determines that this driver was suspended, the member shall advise ComCen to update the reason for the tow to “suspended driver.”

Reason Codes and Administrative Fees:
• Owners Preference / Owners Non Preference / Recovered Stolen $No Fee
• Collision with Road Blockage $60.00
• Illegal Parker / Expired Registration $116.00
• Expired Registration / Unlicensed Driver $189.00
• Suspended Driver / Driver Arrested $266.00
• DUI $450.00

See the attached Towing, Storage & Impound Guide for a complete list of Reason Codes and corresponding VC authority codes. The fees listed are the Department’s administrative fees and do not include the towing charges.
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<td>Expired Registration</td>
<td>Impound</td>
<td>VC 4000(A) Expired over 6 Months</td>
<td>VC 22651(B)</td>
<td>n/a</td>
<td>Yes</td>
<td>$180.90</td>
</tr>
<tr>
<td>Unlicensed</td>
<td>Impound</td>
<td>VC 12500(A) in lieu of 14601 w/ no proof of service</td>
<td>VC 22651(L)</td>
<td>48 Hours</td>
<td>Yes</td>
<td>$266.00</td>
</tr>
<tr>
<td>Evidence</td>
<td>Impound</td>
<td>Used to Commit Crime</td>
<td>VC 22655.5(A)</td>
<td>Variable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hit &amp; Run Misdemeanor</td>
<td>Impound</td>
<td>Hit &amp; Run - Public Roadway</td>
<td>VC 22655.5(B)</td>
<td>Variable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hit &amp; Run Felony</td>
<td>Impound</td>
<td>Hit &amp; Run - Private Property</td>
<td>VC 22655(A)</td>
<td>48 Hours</td>
<td>Yes</td>
<td>$266.00</td>
</tr>
<tr>
<td>Other 30 Day (Reckless, Speed Contest, Interlock)</td>
<td>Impound</td>
<td>VC 23103 - Speed Contest</td>
<td>VC 22655.5(B)</td>
<td>Variable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspended</td>
<td>Impound</td>
<td>VC 23103 - Speed Contest</td>
<td>VC 22655.5(B)</td>
<td>Variable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspended 30 Day</td>
<td>Impound</td>
<td>VC 14601 - Suspended Driver</td>
<td>VC 22651(P)</td>
<td>30 Days</td>
<td>Yes</td>
<td>$266.00</td>
</tr>
<tr>
<td>Driver Arrested</td>
<td>Impound</td>
<td>Driver Arrested &amp; Custodial Arrest</td>
<td>VC 22651(H)(1)</td>
<td>30 Days</td>
<td>Yes</td>
<td>$266.00</td>
</tr>
<tr>
<td>DUI</td>
<td>Impound</td>
<td>VC 23153 - Felony DUI</td>
<td>VC 22651(H)(1)</td>
<td>30 Days</td>
<td>Yes</td>
<td>$450.00</td>
</tr>
<tr>
<td>DUI 5 Day</td>
<td>Impound</td>
<td>VC 23154(A) - DUI Probation Violation</td>
<td>VC 22651(H)(2)</td>
<td>30 Days</td>
<td>Yes</td>
<td>$450.00</td>
</tr>
<tr>
<td>DUI 15 Day</td>
<td>Impound</td>
<td>VC 23154(A) - DUI Probation Violation</td>
<td>VC 22651(H)(2)</td>
<td>30 Days</td>
<td>Yes</td>
<td>$450.00</td>
</tr>
<tr>
<td>DUI 30 Day</td>
<td>Impound</td>
<td>VC 23154(A) - DUI Probation Violation</td>
<td>VC 22651(H)(2)</td>
<td>30 Days</td>
<td>Yes</td>
<td>$450.00</td>
</tr>
</tbody>
</table>

Updated 12-19-2011
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.

K. Stored or Impound Hearing
When a vehicle is stored or impounded by any member, 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.

L. Hearing Procedures
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 “Tow Coordinator” will usually serve as the “Hearing Officer”.

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.

M. Vehicles Impounded as Evidence
Detectives may only waive administrative impound fees on vehicles impounded for evidence that belong to a victim.

For all evidence vehicles, the releasing detective shall contact the tow coordinator by email and advise the vehicle is available for release. The releasing detective shall notify the registered or legal owner that the vehicle is available for release and direct them to the tow yard. Unless otherwise noted, all City Administrative fees and tow charges are due to the tow company.

N. Requests for Fee Reimbursement
All requests for the reimbursement of administrative impound and storage fees shall be forwarded by the person requesting the hearing to the City's Risk Management Division.
A. **Field Sobriety Tests (FST’s)**
When a person suspected of DUI is stopped, field (roadside) sobriety tests (FST’s) should be administered safely and when the suspect is able and willing to perform them. FST’s may assist the officer in determining if reasonable cause to arrest exists.

Officers should take care to determine that a suspected driver is not merely exhibiting the symptoms of intoxication due to diabetes, epilepsy, or other illnesses. Officers should attempt to use the FST’s listed on the Sobriety Report.

B. **Officer’s Responsibility**
During an arrest for DUI, the officer, acting on behalf of the DMV, shall do the following:

- Confiscate any California Driver’s License(s) (CDL) in the possession of the driver. If the subject has an Admin Per Se (APS) temporary license document, it will not be confiscated; another order pursuant to the current DUI arrest shall be issued; and
- Complete and serve the Administrative Per Se Order of Suspension (DMV form DS367, DS367m or DS367s -Officer's Statement and Order of Suspension), 4th page (pink copy) on the driver, regardless of license status and submit this paperwork to Records along with the confiscated license for transmittal to the DMV. This will serve as the driver’s temporary license. If the driver’s privilege to drive is suspended or revoked, the order will not be a valid temporary license.

C. **Implied Consent**
Drivers arrested for DUI shall be admonished per the DS 367 form.

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.

**Administrative Per Se/Officer’s Statement Form (DS 367)**
This form shall be completed for all DUI arrests except when the arrest is for a drug only DUI. All three pages, front and back, must be completed.

**Note:** When a DUI arrest is for drugs only, a DMV notice of priority re-examination form shall be completed. The pink copy shall be given to the driver.

**Documenting “Under 21” Blood Alcohol Violations (DS 367M)**
When a violation of VC §§23136, 23140, 23152, and/or 23153 has occurred, the officer shall take possession of the driver’s CDL and complete a DS 367M (Under Age 21 - Officer's Statement / Admin Per Se Form). A copy of the DS 367M shall be provided to the suspect.

When a police report is written documenting an incident relating to one of the above sections, the case number shall be inserted on all applicable DMV forms.

When the DS 367M form is the only form completed, the officer shall draw a case number and insert it on the DMV form. The DS 367M form becomes the original report, so the officer shall also write “ORIGINAL” in the top margin of the form and submit the document to Records.
D. Evidence Collection
Collecting Breath Sample as Evidence
If the arrestee chooses a breath test and it can be accomplished without undue delay, the officer shall request another unit to bring a Portable Evidential Breath Tester (PEBT) to the scene or the arrested person shall be transported to the PEBT location.

- No one is to administer a PEBT test unless he/she has received the required training as provided by DOJ.
- The member administering the test shall follow the instructions displayed on the handheld 7510 inside the PEBT, upon the start up of the test.
  - Upon completion of the test, the mouthpiece shall be given to the suspect.
  - The suspect may retain the mouthpiece or discard it.
  - If the suspect is combative the member shall place the mouthpiece in the suspect’s property bag.
  - The disposition of the mouthpiece shall be noted in the member’s report.
- The printout of the results from the PEBT shall be attached to the Sobriety Report.
  - To prevent the loss of the PEBT print-out, it is recommended that the member tape the original printout to a property/narrative report form.
- The top portion of the form will be filled out and the form will become the final page of the DUI investigation.
  - Members will note which PEBT device was used in the disposition portion of their narrative.
  - The PEBT units are identified by the issued serial number which is labeled on the outside of the protective case.
  - The serial number needs to match the serial number on the printout, (e.g., ARCB-0007).

PEBT Administration (Under Age 21)
When an officer comes into contact with a driver under the age of 21 who is suspected of having consumed an alcoholic beverage, the driver shall be advised of the requirement to submit to a PEBT test.

Collecting Blood as Evidence
Blood evidence collection will be done in accordance with Procedure §373.

Detection of Drug Influence
When a driver displays the objective symptoms of DUI and he/she registers a BAC lower than .08, the officer shall determine whether or not the subject is under the influence of a controlled substance.

E. Refusal to Take Chemical Test
Officers are not required to offer alternative tests on refusal. They shall allow a person refusing any test an opportunity to change their mind and be tested, within a reasonable period of time after the initial refusal.

Before accepting a refusal, officers shall read the refusal section of DS 367 verbatim to the suspect, explaining the consequences of a refusal.

An officer should make every effort to obtain a complete evidence sample and avoid refusals.

Refusal Form
When, after reading and clarifying the required admonishments, the suspect still refuses any test, officers shall complete Form DS 367 "Officer's Statement" - Section 13353 VC. A refusal form shall be completed when a forced blood draw is necessary.
Blood Sample Without Consent
A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- A search warrant has been obtained (Penal Code §1524); or
- The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol in the person's blood stream. Exigency can be established by the existence of special facts such as the driver is to undergo surgery, blood transfusion, or some other situation that would cause the warrant process to be impractical.

Forced Blood Sample
If a person indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond. The responding supervisor should:

- Evaluate whether using force to obtain a blood sample is appropriate under the circumstances;
- Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner;
- Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practical.
- Ensure that the withdrawal is taken in a medically approved manner.
- Ensure the forced withdrawal is recorded on audio and/or video when practicable.
- Monitor and ensure that the type and level of force applied is reasonable under the circumstances:
  - Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  - In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.
- Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

When a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

F. Crime Report (CR)
When a suspect arrested for DUI is charged with additional, non-traffic violations, a CR shall be prepared with the Sobriety Report used as a supplement.

G. Confiscation of California Driver's Licenses
The driver's license of a person arrested of driving under the influence of alcohol shall immediately be confiscated and returned to DMV as previously indicated in this order.

H. Suspect Disposition
When determining the appropriate violation for persons arrested for DUI, officers shall check the suspect’s criminal history for prior DUI convictions. Persons arrested for Misdemeanor DUI violations (CVC §23152) may be cited and released on a Notice to Appear when the arrestee is able to be released to a sober adult who will assume responsibility for the intoxicated person. Officers will document the name of the responsible person the suspect was released to in the related police report. Any person arrested for DUI that is belligerent, combative, or otherwise uncooperative, shall be booked into the Fresno County Jail. Officers should use sound judgment when making this determination.
Vehicle Impound Authority and Procedures
When the driver has been arrested/cited for **VC §§23152, 23153**:

- DUI impounds for **VC §§23140, 23152, 23153** will follow the guidelines set forth in **VC §§22651(h)(1) & 22651(h)(2)**;

- Officers shall check the DMV record of all DUI offenders to determine prior convictions for DUI. Vehicles of repeat DUI offenders shall be impounded as follows:
  - Impound for 5 Days when the driver has been determined to have been convicted one time of violating **VC §23140, VC §23152 or VC §23153** within the prior 10 years, per **VC §14602.8(a)(1)** and at least one of the following criteria:
    - The driver has a BAC of .10% or more; or
    - The driver refuses to submit to or complete a chemical test requested by an investigating officer.
  - Impound for 15 days when the driver has been determined to have been convicted two or more times of violating **VC §23140, VC §23152 or VC §23153** within the prior 10 years, per **VC §14602.8(a)(1)** and at least one of the following criteria:
    - The driver has a BAC of .10% or more; or
    - The driver refuses to submit to or complete a chemical test requested by an investigating officer.
  - Officers should indicate the length of the hold (5 or 15 days on the VIR); and

- Officers shall check the DMV record to determine any requirements for any ignition interlock devices. Any vehicle of a DUI offenders found in violation of this requirement shall be impounded pursuant to the provisions of **VC §14602.6(a)**.
A. **General Citation Provisions**

**Citation Completion**
Refer to the Report Writing Manual in Appendix B at the rear of the Procedure Manual for specific completion instructions.

**Citation Continuation Form**
The citation continuation form shall be used whenever there are more violations charged than will fit on the standard citation form. Two different citations should not be issued to the same person for the same incident except when violations exist which would justify issuance of both a Notice of Violation and a Notice to Appear.

**Citation Security**
Unused citation books are stored in the ESU and distributed as needed. Once distributed, unused citation books shall be kept in a secure area (e.g. locked cabinet) in the district/bureau supervisor's office. Citation books shall only be issued by a supervisor. Dressing station supervisors are responsible for maintaining a supply of citation books at the stations. The inventory card shall be submitted to Records upon a member's receipt of a new book. Records is responsible for filing returned inventory cards.

Members shall make every effort to ensure the security of traffic citations issued to them. When a citation or citation book becomes lost or mutilated, the member shall immediately prepare a memo directed to his/her immediate supervisor, explaining the circumstances surrounding the loss or mutilation. The supervisor will forward the memo to the Records to document the loss/mutilation on the inventory card.

**Distribution of Citations**
Citations will be distributed as follows:
- The green original is the court's copy. It is submitted to Records;
- The yellow copy is given to the violator;
- The pink copy is retained for four years by the member (except in a private person's / citizen's arrest or cancellation); and
- The white “hard” copy is submitted the same as the green original.

B. **Juvenile Citations**
Completion of traffic citation forms for juveniles varies slightly from the procedure for adults.
- The Juvenile box shall be checked and the juvenile’s telephone number shall be included, if available.
- The location for court appearance information shall be left unchecked. A checkmark shall be placed in the box corresponding with “To be notified by mail by Juvenile Traffic Division”. The juvenile should be advised that they will be notified by mail; however, if he/she does not wish to contest the citation, he/she may contact the County Traffic Division prior to receiving the written notification.
- The date and time of appearance shall be left blank.

C. **Voiding Traffic Citations**
Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued.
- The member shall write “cancelled” across all copies of the citation with the member’s initials and date of cancellation.
The member shall write an explanation for the cancellation on the backside of the hard copy.

All copies of the citation shall be presented to a supervisor to approve the voiding of the citation.

The supervisor shall review the explanation and sign the back of the hard copy indicating the review of the reason for voiding the citation.

The voided citation and copies shall then be forwarded to the Records Bureau.

Reasons for voiding a citation can be, but are not limited to:

- When a violator is booked; or
- When an officer determines the charges are invalid.

D. Correction of Traffic Citations

When an error is identified while the violator’s copy of the citation is still available, the citing officer shall:

- Correct the error on all four copies by drawing a single line through the error and legibly printing the correct information as close as possible to the error;
- Initial the correction; and
- Mark the box in the lower right-hand corner, “Violators Copy Corrected”.

When a traffic citation is issued and in need of correction, members shall not correct the error or omission on the remaining copies of the citation. Instead the members shall:

- Complete a Notice of Correction and Proof of Service Form;
- Mail the yellow copy of the completed form to the violator; and
- Attach the original copy (first page) and the second copy (white page) of the Notice of Correction and Proof of Service Form to the court (green) and hard copy of the citation (when available) and submit the citation in the normal manner.

When the court copy of the citation is not available, the Notice of Correction and Proof of Service Form will be submitted to Records. Members shall:

- Maintain the pink copy for their records; and
- Send the white copy to Records.

When the Notice of Correction and Proof of Service Form is issued to correct an error or omission on a citation returned from the Traffic Court, members shall correct the error or omission and return the Notice of Correction and Proof of Service Form to the Traffic Court with the returned citation.

E. Dismissal of Citations

Employees of this Department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued [Vehicle Code §40500(d)].

Any request from a recipient to dismiss a citation shall be referred to the Traffic Bureau Commander. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Bureau Commander may recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation.
A. General Enforcement Provisions
Traffic violations of the VC and MC may be handled by:

- Verbal warning/instruction;
- Traffic citation issued as:
  - A NOTICE TO APPEAR for violations occurring in the member's presence; or
  - A NOTICE OF VIOLATION at collision scenes where the violation was not observed by
    the officer and the citation is completed on information and belief per VC §40600. Only
    those officers who have received the training required by VC §40600 may issue a Notice
    of Violation; or
- Arrest, when authorized by law.

Traffic Violations Involving City Employees
Citations may be issued to City employees committing violations while operating City vehicles. When
one is issued, the issuing officer shall direct a memo to his/her commander who shall notify the City
Manager by memo of the citation. In no case shall any administrative communication (e.g., memo,
phone call, letter, etc.) be used in lieu of a citation, nor shall any administrative communication be
forwarded to an employee's supervisor when a citation is not issued.

Citations on Private Property
When vehicles are parked on private property without the permission of the owner or other person in
charge of such property, members shall, when such action is lawful, cite the vehicle(s) under
MC §14-802 at the request of the property owner or his/her agent. The owner or agent must be present
at the time of issuance of the citation and his/her name shall be included in the "Description"
section.

Exception: The owner/agent need not be present to request citing of vehicles when:
- Signs are clearly posted prohibiting parking and listing the Department phone number; and
- A letter signed by the owner/agent is on file with the Department authorizing the citing of
  vehicles at a specified location for a period not to exceed six months from receipt of the letter.
  Members shall note the existence of such a letter in the description box of the citation.

New Traffic Laws/Regulations
Members should use discretion when enforcing newly enacted traffic legislation. RCTB’s related to new
traffic laws and regulations are distributed by the Planning & Research Bureau after the beginning of a
calendar year and should be referred to when enforcing new legislation.

Members should contact their supervisor when they have questions relating to the enforcement of new
laws. The supervisor may contact the Department’s Legal Advisor if additional clarification is needed.

Undercover Vehicles Equipped with Emergency Equipment
Unmarked or unconventional vehicles should not be used for traffic enforcement purposes unless
properly equipped with emergency equipment. When possible, officers conducting enforcement stops
should request a marked unit to respond to assist. Marked units provide assurance to the public that
unmarked vehicles and non-uniformed officers are members of the Department acting in an official
capacity.
B. Reporting Incompetent Drivers

Request for Reexamination of Driver

When an officer has reason to believe that a citizen is not a competent driver, he/she shall forward a "Request for Reexamination of Driver" (Form DL 412) to the DMV. One copy of the form shall be completed describing the reasons for the requested reexamination. Officers completing the form shall:

- Record all observations which substantiate the opinion that the driver needs to be reexamined for driving ability;
- List any statements made by the driver regarding his/her own physical condition or defects and driving ability; and
- Submit the completed form to the designated Support Division administrative clerk who will mail it to the DMV.

Priority Reexamination Requests

When the following conditions are present a Notice of Priority Reexamination shall be completed:

- The driver must be cited or arrested for violation of provisions of VC §§21000 through 23336; and
- The driver must show evidence of incapacity and the incapacity must immediately affect driving safety. Incapacity is defined as serious physical injury or illness, mental impairment, or disorientation which leads the officer to "reasonably believe" that a clear or potential danger or risk of injury to that person or others exists if the person is allowed to resume driving.

The three part form is used only for Priority Reexaminations and is to be completed by the officer at the time enforcement action is taken against the driver. Issuance of the Notice of Priority Reexamination shall be noted on the citation or AR for the violation.

Upon completion of the form, the driver should be asked to sign it and should be instructed to read the printed information on the form, appear at a DMV Driver Safety Office for a reexamination, immediately telephone a Driver Safety Office listed on the back of the form for an appointment, and bring their copy of the form to a Driver Safety Office within five work days to complete a reexamination or they may be suspended from driving.

C. Unlawful Use of Licenses

Persons found to have unlawfully used a driver's license (VC §14610) or DMV identification card (VC §13004) are subject to enforcement action consistent with regulations surrounding other misdemeanor crimes. The license or identification card involved in the violation shall be confiscated and booked into evidence. The license or identification card shall not be retained by the officer or returned to the owner.

D. Suspended or Revoked Drivers Licenses

When a check of a traffic violator's license status reveals a suspended or revoked drivers license:

- Seize the license if still in possession;
- Verbally advise of the suspension or revocation;
- Impound the vehicle if it meets the guidelines of Procedure §510 – Vehicle Towing;
- Issue the citation; and
- Fill out the Verbal Notice form (DMV form DL-310)

When proof of service of an active suspension or revocation action can be established by teletype or admission, officers shall take enforcement action.

E. Moving & Mechanical Violations Committed by Bicyclists

Officers who observe bicyclists commit VC violations may cite the bicyclist for the violation using the Notice to Appear. The same procedures utilized for the citing of motorists and pedestrians shall be used in completing a Notice to Appear for bicycle violations committed by either adult or juvenile violators.
A. **Officer Responsibility**
When an on-duty member observes a disabled vehicle on the roadway, the member shall make a reasonable effort to provide assistance.

If the member is assigned to a call of higher priority (0 and 1 priority) the 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.

B. **Mechanical Repairs**
Members shall not make mechanical repairs to a disabled vehicle.

The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

C. **Extent of Assistance**
In most cases, a disabled motorist will require assistance.

Members shall determine:
- If the vehicle poses some type of hazard;
- If the vehicle can be moved out of the roadway to a position of safety; and/or
- If the vehicle is movable or what assistance is needed (e.g. tow, timely repair, etc.).

Members shall remain at the scene providing assistance, such as traffic control, until the problem is abated, including transporting the motorist to the nearest telephone or safe area.

Continued involvement by members will be contingent on the time of day, the location, the availability of Departmental resources, and the vulnerability of the disabled motorist.
A. **Checking “Stops”**
Authorized members investigating abandoned vehicles will initiate a license plate and VIN check to be informed of “stops”.

B. **Marking Vehicles (72-Hour Parking Ordinance)**
Vehicles suspected of being in violation of the City of Fresno 72-Hour Parking Ordinance will be marked and noted on a Fresno Police Department “Abandoned Vehicle Warning Card”. No case number is required at this time.

A visible chalk mark shall be placed on the vehicle’s left rear tire sidewall unless missing tires or other vehicle conditions prevent marking. The member shall mark the date, time, their initials and an arrow pointing to a corresponding mark on the ground to designate the vehicle’s location. The member should also attempt to obtain and record the vehicle’s odometer reading.

The completed “Abandoned Vehicle Warning Card” should be placed under the wiper blade on the windshield or other visible portion of the vehicle.

If a “marked” vehicle has been moved or the “markings” have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking.

**NOTE:** To satisfy the condition that a vehicle has been “moved” by the owner, it must have been relocated at least one-tenth of a mile (528 feet).

C. **Citations**
If, after 72 hours, the marked vehicle has not been removed, it will be cited for violation of FMC §10-005a or VC §22523(b) as appropriate. If the vehicle has been moved a short distance in an effort to circumvent the ordinance, the vehicle may still be considered abandoned.

D. **Obviously Abandoned Vehicles**
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 rather than waiting the normal 72 hours VC §22669(d).

E. **Abandoned Vehicle Removal**
Any vehicle deemed abandoned will be towed/stored or impounded by one of the Department approved rotational tow companies and a Vehicle Inventory Report (VIR) shall be completed authorizing the storage of the vehicle. All notifications and submission of the VIR form should be done as soon as practical in accordance with Procedure §510. No other report is required.

A VIR will be completed and should include, in the narrative section, a description of the violation and:
- Evidence that convinced the member that the vehicle had not been moved (e.g., chalk mark on tire, cobwebs, debris under vehicle, warning card on vehicle, flat tires, etc.);
- The citation number;
- A description of the member’s attempt to contact the registered owner; and
- Any other pertinent information.
F. 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 VC §22651(o)(1).

The member shall complete a VIR form and explain the reason for the tow in the narrative including the date the registration expired.

No other report is necessary.

NOTE: If the vehicle is impounded under this authority, it shall not be cited.

G. Abandoned on Private Property
When a vehicle is abandoned on private property, the complaining party will be referred to the Code Enforcement Division of the Planning and Development Department to initiate removal proceedings under City zoning restrictions.

However, an officer may cite the vehicle for VC §22523 at the request of the property’s owner/manager. The property’s owner/manager or reporting party shall be documented on the citation in the description section. The member shall not remove the vehicle unless authorized by law.
A. **Preliminary Criminal Investigations**

Members assigned to reports of crimes are responsible for the satisfactory disposition of the call including investigation, enforcement, and necessary reports.

**Depth of Initial Investigation**

The primary member is responsible for conducting the initial investigation at least far enough to establish the basic facts and elements of the crime. When leads as to identity and location of a suspect, witness, evidence, or property are immediately present, the field officer shall pursue the investigation as far as practical. However, when extensive follow-up investigation will be necessary to clear the crime it will normally be completed by follow-up investigators unless the field officer obtains prior approval of his/her supervisor to continue the investigation. Nothing in this section is intended to prevent an officer from pursuing leads during uncommitted time between calls so long as the activity does not interfere with an ongoing investigation by follow-up investigators.

Officers shall attempt to obtain statements/admissions from suspects in criminal matters in which prosecution is likely. In major felony cases (i.e., child molest, child abuse, rape, robbery, kidnap, assault with a deadly weapon, etc.) officers may utilize available detectives to conduct suspect interviews when possible. Officers are not relieved of the responsibility to question suspects due to the unavailability of detectives.

**Responsibility for Assumed Investigations**

When follow-up investigators respond to a crime scene to assist with an investigation, they assume overall control of and responsibility for the investigation. Unless instructed otherwise, the primary member assigned to the call will retain responsibility for completing and reporting the preliminary investigation.

**Reporting Questionable Circumstances**

When the investigating member on a call cannot clearly establish the elements of a crime he/she should title the investigation a “possible” crime. Any suspicions or hunches, etc., about the legitimacy of a victim's story should be documented in a memo addressed to the supervisor of the unit with follow-up responsibility for the incident rather than being included in the report.

B. **Basic Follow-up Guidelines**

It is the responsibility of the supervisor of the investigative unit to ensure that appropriate follow-up investigations are completed. When cases are assigned for follow-up, investigators should:

- Review and analyze all pertinent reports, records, and lab exams;
- Conduct additional interviews of victims and witnesses as needed, and conduct interviews and interrogations of suspects when appropriate;
- Seek additional information from other sources (i.e. uniformed officers, informants);
- Plan, organize, conduct searches, and identify physical evidence to be collected;
- Identify and take appropriate steps to effect the apprehension of suspects;
- Determine possible involvement of suspect(s) in other crimes;
- Investigate the background and criminal history of suspect(s) involved, and when appropriate, other parties involved; and
- Organize and prepare the criminal case for submission to the District Attorney, City Attorney, or Court when a suspect has been identified.
Case Screening
Cases shall be screened by the assigned member and prioritized for investigation based on the following criteria:

Priority 1
- In-Custody, arrested, or cited suspects;
- Crimes of a serious nature or related to other cases involving serious crimes, such as homicide, robberies, kidnapping, sexual assault, domestic violence, at risk missing persons, crime series, etc.; or
- Assigned by a supervisor or staff member as a priority.

Priority 2
- Suspect has been identified or is identifiable through latent fingerprints, useable physical evidence, or other investigative leads, and for property crimes, the loss amount is over $10,000 to a business or over $5,000 to an individual;
- In conjunction with other units or agencies; or
- Involving crime patterns with leads.

Priority 3
- Suspect has been identified or is identifiable through latent fingerprints, useable physical evidence, or other investigative leads and, for property crimes, the loss amount is $10,000 or less to a business or $5,000 or less to an individual.

Priority 4
- A possible suspect has been identified but, the case has low solvability factors.

All other cases will be suspended until such time that additional information is developed raising the priority as outlined above.

C. Victim Information

Juvenile Victims
When a juvenile is the victim of a misdemeanor act committed by an adult and a complaint is desired (when no arrest is made), the parent/guardian of the juvenile shall be referred to the DA’s Office to sign a complaint.

Victim Follow-Up
Members SHALL NOT advise victims that an investigator will contact him/her at a later time. Instead, the phone number of the investigative bureau with follow-up responsibility for the case shall be provided.

Victims of Juvenile Crime
Any member who is contacted by a victim about restitution for a crime committed by a juvenile shall refer the victim to the County of Fresno Juvenile Probation Department for assistance.

Victims wishing to know the disposition of cases in which they were involved shall be referred to Juvenile Probation or the DA’s Office.

D. At Large Suspects

At Large Felons
Victims with inquiries about cases with felony suspects should be directed to the bureau with normal follow-up responsibility for the type of crime involved.

At Large Adult Misdemeanants – Case Review Process
When a misdemeanor adult suspect is identified, is at large, and the victim requests prosecution, he/she shall be advised to wait at least 7 days for the report to be entered into the system before responding to the Records Counter at HQ during normal business hours to complete a ‘Request for
Case Review’ form. Once Records accepts the completed form, it will be forwarded to PLO for distribution to the appropriate detective unit sergeant. The detective sergeant will assign the case to a detective for review and follow-up. The victim shall not be referred to the DA's Office for prosecution. The victim shall also be advised that if they fail to respond as directed, no charges will be filed.

The case review process shall also be explained to victims and involved parties in any incident which may not clearly constitute a misdemeanor (e.g., disturbances, possible crimes, etc.) but where some prospect of future prosecution exists.

For the purpose of this subsection, a suspect is considered "identified" when his/her first and last names are known along with either a DOB or address.

At Large Misdemeanants – Juveniles
When a juvenile misdemeanor suspect is at large and cannot be located by the investigating member, a report shall be prepared as required. The assigned follow-up investigator shall attempt to locate and arrest or cite the suspect. Any other member with reasonable cause to believe the juvenile falls within the provisions of WIC 602 may also arrest or cite the suspect.

Victims of misdemeanor crimes with at large juvenile suspect(s) SHALL NOT be advised to contact the DA's Office to seek a complaint. Any inquiries by the victim should be referred to the appropriate investigative bureau of the Department. Follow-up investigation units are responsible for reviewing cases with at large juvenile suspects and for completing applications for petitions when appropriate.

E. **Responses to Crimes by Follow-Up Investigators**

Mandatory Responses
A follow-up investigator(s) shall be requested and will respond to all:
- Homicides;
- Attempted homicides and/or assaults that are likely to become homicides;
- Officer involved shootings;
- Bombings; and
- In custody deaths.

Mandatory Notifications
Members investigating sexual assaults or child abuse which involve any of the following circumstances shall notify their supervisor. The Supervisor shall contact the appropriate investigative unit supervisor to determine the need for response or involvement by a follow-up investigator:
- Sexual assault involving serious injury;
- Child molests involving serious injury;
- Offenses which are part of a recognized pattern of criminal sexual activity; or
- Child abuse involving serious injury.

Optional Notifications
When a crime scene in the following categories is determined likely to contain evidence, a field supervisor shall be contacted to evaluate the need for an immediate response by a follow-up investigator(s):
- Kidnappings;
- Citizen involved shootings, with injury, resulting from an in-progress crime;
- Incidents where there is a probability of future litigation against the City;
- Suicides involving unusual circumstances;
- Serious felonies in which the suspect has just become known or for which information has been developed that creates a reasonable likelihood that the suspect can be quickly identified and/or arrested; or
- Other unusual incidents where special expertise is required or would be beneficial to the investigation of the scene and/or incident.
Requesting Immediate Follow-Up

Required and optional callouts of follow-up investigators are outlined above. In addition to those provisions, a follow-up investigator may be requested to respond to the scene or otherwise assist with a criminal investigation with the approval of a field supervisor.

Notification Procedure

During normal working hours, the unit supervisor of the affected follow-up unit shall be contacted to determine the level of response and notify the assigned investigators. In the supervisor's absence, the commander over the unit or a member of the unit may be contacted to initiate a response. After normal hours, the night detective unit shall be contacted. When night detectives are unavailable, the affected unit supervisor shall be called at home by the Duty Officer.

Case Investigation Coordination Responsibility

In all cases where a follow-up investigator responds to a location, the investigator shall be briefed by the members on the scene as to the status of the investigation. The investigator is responsible for the coordination of the investigative effort from that point in time until completion.

The responding follow-up investigator has the authority to direct and coordinate the crime scene investigation consistent with established investigative procedures. This order does not reassign authority or responsibility from field units or supervisors during "in-progress" situations. It does reassign that authority once the situation has stabilized and a follow-up investigator arrives and assumes responsibility for the crime scene investigation. Authority over the entire incident shall remain with the supervisor/commander in charge.

F. Case Management and Review

All open assigned cases shall be periodically reviewed by supervisors to ensure that investigative efforts continue as required and that appropriate clearance and closure is completed by the assigned member. Victims and witnesses should, when necessary, be contacted in a timely manner on priority cases. Statements, evidence and other investigative material shall be documented in a timely manner. Quarterly reviews of case files shall be conducted by the supervisor to justify keeping the case open. Cases that have been opened over one year shall be reviewed by the supervisor and a memo documenting the review written to the Bureau Commander explaining what has been done on the case and what remains to be done.

Closed cases shall be reviewed for appropriate clearance to ensure compliance with the guideline in the DOJ Uniform Crime Reporting Handbook.

Case Suspension

A case shall be suspended for the following:

(a) Insufficient evidence; or
(b) Waiting for new evidence. Exceptions can be made at the discretion of the unit supervisor. (e.g. homicide cases held open pending new information.)

No Charges Filed By Follow-Up Investigator

When a follow-up investigator does not forward a case to the District Attorney’s Office for charges after an arrest has been made or the suspect was processed at CSI prior to being issued a citation, the investigator shall determine if the suspect is still in custody. If the suspect is in custody, the investigator will respond to FCJ and release the arrestee pursuant to PC §849(b).

If the suspect has been released by FCJ and the investigator will NOT be filing the case for an arrest warrant, the investigator shall complete the Adult Detention Disposition Report form (JUS 8715) or Juvenile Detention Disposition Report form (JUS 8716). The form will be forwarded to CSI for processing and forwarding to the appropriate agencies. The investigator shall complete a Detention Certificate. One copy shall be sent to the suspect and the original shall be sent to Records.
The follow-up investigator shall document the reasons for not filing the case with the District Attorney’s Office, the actions taken to clear the arrest in a follow-up report, and change the suspect’s involvement code to Detained.

No Charges Filed by District Attorney’s Office
For all cases the District Attorney’s Office shall complete the Adult Detention Disposition Report form (JUS 8715) or Juvenile Detention Disposition Report form (JUS 8716) and forward it to DOJ. Unassigned cases will be processed by Records. Assigned cases will be handled by the follow-up investigator. For all cases, a Detention Certificate will be completed with copies sent to the suspect and Records. A follow-up report will be completed documenting that no charges were filed and changing the suspect’s involvement code to Detained.

G.  Extended Investigations
During certain in-depth investigations victims, witnesses, and suspects/arrestees may be at HQ for extended periods of time without food (in excess of 6 hrs). With supervisor approval, members may offer the individual a meal in an effort to meet their basic needs. When requested, the investigating member may phone one of the Denny’s restaurants listed below to request the necessary meals. Each single meal serving shall not exceed $12.00 (including tax). The member that picks up the meals shall complete the meal receipt form with the name of the member requesting the meals, the division/bureau/unit they are assigned to, the related case number, and their signature & badge number. This service shall not be used to purchase meals for members.

<table>
<thead>
<tr>
<th>Denny's #</th>
<th>Address</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>6209</td>
<td>3120 N. Blackstone Ave.</td>
<td>(559)227-7151</td>
</tr>
<tr>
<td>6210</td>
<td>2568 S. East Ave.</td>
<td>(559)485-7710</td>
</tr>
<tr>
<td>7815</td>
<td>1746 W. Shaw Ave.</td>
<td>(559)432-3806</td>
</tr>
</tbody>
</table>

H.  Custodial Interrogation Requirements
Suspects who are in custody and subjected to an interrogation shall be given the Miranda warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

Audio/Video Recordings
Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

Mandatory Recordings of Adults
Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code §859.5).
This recording is not mandatory when (Penal Code § 859.5):

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

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code §859.5).
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.

A. **Member Responsibility**
   **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.

   **Letters**
   When written or other recorded communications threatening harm to public officials or prominent persons come into the custody of the Department or any of its members, they shall be carefully preserved for fingerprint analysis and booked into evidence. Photo copies of the communication should be made for the CR. A copy of the CR and communication should be forwarded to the SIB through Special Routing. SIB personnel will forward a copy of the communication to the California DOJ for inclusion in the Automated Threatening Letter File.

   **Special Routing**
   A copy of reports regarding threats of harm to public officials or prominent persons shall be forwarded by the Records Bureau to SIB through Special Routing.

B. **Supervisor Responsibility**
   The supervisor, through their chain of command, shall notify the Department’s Criminal Intelligence Unit supervisor for assessment and investigation.

C. **Protective Details**
   The Fresno Police Department will be utilized to provide dignitary protection to dignitaries who are not provided protection by Federal or State Agencies, however, because of their status may require protection. The decision to provide a protection detail must be approved by the Chief of Police.

   Several units within the Department may be used during the protection detail operation. This includes SIB Criminal Intelligence Unit, Special Weapons and Tactics (SWAT), Traffic, and District Policing POP/Crime Suppression Units. The Chief of Police will approve the protection detail, and then designate a supervisor from the Special Investigations Bureau regarding the protection detail request. Staffing needed for the operation will be determined and assignments will be made. Special Investigations Bureau investigators and/or Special Weapons and Tactic officers may be utilized depending on the size of the operation.

   The Criminal Intelligence Unit shall have primary responsibility for providing protection for local elected officials. The Department shall cooperate with the appropriate state and federal agencies for the protection of visiting dignitaries. The SIB commander shall be advised of any threat received to the safety of any public official and shall evaluate the need for an immediate call-up of a protective detail.
A. **Asset Forfeiture Procedure**
The primary responsibility for investigation of asset seizures rests with the Special Investigations Bureau (SIB).

Before seizing any currency, vehicle, or personal property pursuant to H&S § 11470, members will contact a narcotics supervisor.

If seizure approval is given, the following procedures will apply:

- The seizing officer, asset forfeiture member or Narcotics supervisor will verbally notify any interested parties. The person in possession of a vehicle and the registered owner which is to be seized will be served a “Notice to Interested Party” form. Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicle, or property seized;
- When someone has made notification other than the “asset forfeiture” member, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the “asset forfeiture” member in SIB, for review;
- Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income, and other resources. If a defendant has not given a Miranda waiver before an interview regarding assets, the detective will conduct a further criminal interview as necessary;
- Attempt to promptly determine all lien holders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification; and
- The seizure of assets subject to forfeiture is a civil proceeding either filed through:
  - The county of origin, Office of the District Attorney Forfeiture Unit or Narcotic Enforcement Team; or
  - The U. S. Marshals Service, via: the Drug Enforcement Administration.

B. **Asset Forfeiture Log**
A computerized inventory of all asset forfeiture cases will be kept in the SIB.

The inventory will include the following:

- Case number;
- Date of seizure;
- Value;
- Type of seizure (federal or state); and
- Status of the seizure.

Information maintained on the log will be provided to the Chief of Police or authorized staff, as requested.

C. **Seized Property**
Property seized subject to forfeiture will be turned over to the “asset forfeiture” member or Narcotics supervisor.

D. **Seized Currency**
Currency seized subject to forfeiture will be counted by the seizing officer and a supervisor. Prior to seizing currency, the officer shall notify the Narcotics supervisor of the seizure of the currency and circumstances of the seizure.
• The currency will be:
  o Placed in a money envelope with the denominations of the currency; and
  o Totals of each denomination and total amount of currency enclosed noted on the money envelope.
• The officer counting and supervisor verifying money will initial and sign the envelope when sealed.
• If the currency will not fit into a standard money envelope, place the currency in a larger envelope or bag, sealing and affixing a completed money envelope to the outside of the larger envelope or bag which contains the currency.
• Currency seized will be given to the “asset forfeiture” member or Narcotics Unit supervisor.
• As soon as practical the “asset forfeiture” member or Narcotics Unit supervisor will convert the currency into a cashier’s check and deposit it into the Litigation Trust Fund.

E. Seized Vehicles
Vehicles seized subject to forfeiture will be taken to a designated secure storage facility.

A seized vehicle should not be impounded. Prior to an officer seizing the vehicle he/she shall notify the Narcotics supervisor of the seizure of the vehicle and circumstances of the seizure.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

F. Special Guidelines Applicable To Automobiles
Special guidelines apply regarding the minimum amounts of controlled substances contained in a vehicle in order for it to be seized as a conveyance used to facilitate narcotic activity.

The minimum amounts of a controlled substance within a vehicle are as follows:
• 14.25 grams (1/2 oz) or more of rock cocaine or a substance containing heroin;
• 28.5 grams (1 oz) or more of cut cocaine or methamphetamine;
• 57.0 grams (2 oz) of a substance containing cocaine or methamphetamine; and
• 10 pounds of marijuana, peyote or psilocybin.

G. Proceeds From Forfeiture
Equitable shares received from seized assets will be maintained in separate funds, subject to accounting controls and annual financial audits.

All property acquired through the civil process is accounted for in Department records and is disposed of by the Department pursuant to legal authority.
When conducting a physical line-up, photographic line-up, 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.

For the purposes of this procedure, the term ‘witness’ is used to describe a person who has seen the event first hand, including victim’s.

A. **General Procedures**

Prior to conducting a line-up or in-field show-up, the investigating member will obtain a thorough description of the suspect and details surrounding the incident. This should include:

- Physical description of suspect (Height, weight, hair/eye color, clothing worn, tattoos, etc.);
- The witness’ opportunity to view the perpetrator at the time of the crime (length of time, lighting, distance, etc.); and
- The witness’ degree of attention at the time of the crime (was he/she concentrating to remember the perpetrator’s looks; was the witness sober; did the victim know the suspect?).

**Composition of Line-ups**

When composing a line-up, all participants must be similar in appearance, though “there is no requirement that a defendant in a line-up must be surrounded by people nearly identical in appearance.” [Van Tran (9th Cir. 2000) 212 F.3d 1143, 1156; Blair (1979) 25 Cal.3d 640; Wimberly (1992) 5 Cal.App.4th 773, 790.]

**Multiple Witnesses**

When more than one witness is available to view a line-up/show-up, each witness must view the line-up/show-up separately. Witnesses must not be allowed to communicate or hear another’s comments during a line-up/show-up or “compare notes” about the description of the suspect(s).

**Identification during Line-up/Show-up**

If identification is made by the witness, the investigator should ask the witness to state in their own words their level of certainty related to identification or non-identification. Investigators should not ask for this as a percentage or on a 1-10 scale. Investigating members shall not provide feedback to the witness during the identification.

B. **Physical Line-ups**

Physical line-ups are conducted at the Fresno County Jail and are coordinated through the Detention Bureau’s Watch II Administrative Sergeant.

**Use of Video and/or Audio Recording**

If video and/or audio equipment is used to record the line-up proceedings, the original copy of the recording shall be booked into evidence under the associated case number for the incident being investigated.

**Witness Admonition**

Prior to viewing a physical line-up, witnesses will be admonished:

- To keep an open mind;
- That the person who committed the crime may or may not be among those present;
- That just because a person is in custody does not mean that he/she committed the crime; and
- Not to discuss their identification with other witnesses before, during, or after the line-up procedure.
Documentation
The investigator's procedure for creating the line-up, showing the line-up, and the results, shall be documented in the related Follow-up Report. The exact words used by each witness in viewing the line-up, and whether a positive or negative identification occurred, shall also be documented.

C. Photographic Line-ups
When conducting photographic lineups, the following minimum guidelines shall be followed:

Use a Minimum of Six Photographs
All of the photos should depict similar looking suspects - size, hair, race, age, etc. Photographs for photographic identification may be obtained from the FPD Prisoner Processing Section, Sheriff's Department, DMV, Department of Corrections, State Parole, etc.

Block Out or Cover all Visible Notations
In particular, names, dates, and other information should not be visible to witnesses. The Photo Display Folder will usually block out this information. If it is necessary to block-out or cover a notation on one photograph, then similar block-out or covering marks should be placed on all photos so that all will appear alike. It is considered impermissibly suggestive for one photograph to have marks that are not on the other photos.

Witness Admonition
Prior to showing the Photo Display Folder to a witness, the Photo Show-up Admonition which appears below must be read to the witness.

"In a moment I am going to show you a group of photographs. This group of photographs may not contain a picture of the person who committed the crime now being investigated. Keep in mind that hair styles, beards, and mustaches may be easily changed. Also, photographs may not always depict the true complexion of a person - it may be lighter or darker than shown in the photo. Pay no attention to any markings or numbers that may appear on the photos or any other differences in the type or style of the photographs. When you have looked at all the photos, tell me whether or not you see the person who committed the crime. Do not tell other witnesses that you have or have not identified anyone."

'Six-Pack' Photo Display Folder
Each witness should view the folder separately and individually (Separate folder and set of photos for each witness). Do not allow witnesses to talk to one another during the photo line-up procedure. Witnesses must not be allowed to consult with one another about their identification either before, during or after the line-up procedure. Each witness making an identification should initial and date the back of the photograph he/she identifies.

The Photo Display Folder containing all photographs used in the photographic line-up shall be photocopied, and the copy retained in the Investigator's Case folder. The original folder and photos shall be booked into evidence under the associated case number for presentation in any subsequent court proceeding.

Additional Factors for Consideration
If the suspect or person of interest has multiple photographs available, the investigator should use the most recent photograph which best depicts the subject as described by the victim or witness. However, the investigator should not refrain from using an older photograph if it reflects the subject’s current appearance (i.e. hair style, facial hair, weight etc.).

To minimize the probability for misidentification and/or compromising the investigation, the investigator should, prior to presenting the lineup:

- Research the suspect or person of interest to ensure he or she is not in custody.
• Ask the victim or witness if they have viewed any photographs of the suspect or person of interest (i.e. social media and news broadcasts).

If possible, the investigator should record the photographic lineup interview.

The photographic line up is only one piece of the investigation. The investigator should utilize other investigative methods to place the suspect or person of interest at the scene of the crime (i.e. video footage, cell phone records, Probation/Parole GPS monitor, independent witness, social media postings etc.) In the event an investigator obtains single person identification via photographic line up, further follow up and investigative efforts should be made to corroborate the validity of the identification.

**Documentation**

Comments by a witness who is shown photographs in a Photo Display Folder shall be documented in the related Follow-up Report. When an identification is made, the detective should ask each witness if there is anything significant that caused the witness to select a particular photograph, how the witness recognized the person, if the photo is different in any way from the witness' recollection of the suspect, etc. Witnesses should not be told they have picked the "right" or "wrong" photo.

NOTE: If a witness cannot make an identification, he may then be read the following: "Do any of the persons shown in the photographs resemble the person you saw?" If the witness then selects a photo, he/she should be questioned about the reasons that particular photo resembles the suspect.

**D. In-field Show-ups**

When an in-field show-up is necessary to quickly determine whether a detainee was the perpetrator of a recently committed offense, the following minimum guidelines shall be followed.

**Transportation**

As a general rule, witnesses should be transported individually to the location where the suspect is detained. The suspect may be transported to the victim’s location when:

- You have probable cause to arrest the suspect;
- You obtain a valid, voluntary consent from the detainee to move him/her to the witness’ location for a show-up; or
- It is impossible or impractical to bring the witness to the suspect (e.g. the witness is injured or incapacitated, or the availability of officers is limited).

**Witness Admonition**

Prior to viewing a detainee during an in-field show-up, witnesses will be admonished:

- To keep an open mind;
- That the person who committed the crime may or may not be among those present;
- That just because a person is in custody does not mean that he/she committed the crime; and
- Not to discuss their identification with other witnesses before, during, or after the show-up procedure.

**Documentation**

The in-field show-up procedure, comments during witness identification, and the results shall be documented in the appropriate Original/Follow-up Report. The exact words used by each witness in viewing the show-up should be included in the report.
A. **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, officer will need to document this information in a police report or CAD event.

**Confidential Informant (CI)**
A person who:
- Is given specific direction by an officer, for any reason, whether on one occasion or many, in an attempt to secure information on criminal activity; or
- Requests any form of compensation for information on criminal activity, or tasks performed; (paid informant); or
- Requests favorable consideration on a pending criminal case (contract informant).

Only informants who have been approved by the Special Investigations Bureau (SIB) Commander or designee are eligible to receive any form of compensation.

All confidential informants are subject to the standards outlined in this procedure.
C. Juvenile Informants

The use of juvenile informants under the age of 13 years is prohibited. Except as provided for in the enforcement of the Tobacco Enforcement Act, B&P §22950, et seq., the use of any juvenile informant between the ages of 13 and 18 years is only authorized by court order obtained pursuant to PC §701.5.

D. Arrestee Turns Informant

When an arrestee agrees to become an informant, the member shall continue processing/booking the arrestee/informant on any current cases. Members shall complete the required CI package forms and have his/her immediate supervisor approve the CI file package. If the CI is to be used under contract, the District Attorney's Office shall also be contacted to authorize and either approve or disapprove the contract. Once the supervisor and District Attorney's approvals have been obtained the package will be submitted to the SIB Commander for final approval.

E. Non-Qualifying Factors

Once a potential confidential informant is located, the member shall conduct an extensive background check on the subject ensuring the potential confidential informant does not have any significant pending charges such as sexual assault, domestic violence or crimes involving weapons. Former and current CI's with a known criminal history of violence, and who continued to repeat those crimes while signed up, shall be immediately disqualified from being a confidential informant.

The potential informant will be checked for any significant criminal history which may be deemed excessive, thus prohibiting the subject from being used as an informant. Significant or excessive criminal history includes: a violent felony as defined by PC §667.5 or PC §1192.7 (Three Strikes law); any felony listed in PC §12022.53 (10-20 Life: Use a Gun & You're Done); or PC §11418 (Weapons of Mass Destruction).

F. CI File Composition

All CI files shall contain:

- A CI information record;
- A CI regulation sheet;
- A color photograph of the CI;
- One copy of the CI's DMV printout;
- A copy of any active case(s) involving the CI;
- A copy of any vouchers indicating that the CI was given monetary reward or where drugs were purchased as a result of the CI's actions;
- DOJ and Department criminal history, if none, a printout of the inquiry; and
- District Attorney's Office Confidential Agreement (when applicable).

G. Annual Review of Active CI Form

The controlling agent shall complete the form by January 31st of each year.

Negative Entries into CI File/WSIN

Members wishing to disqualify a confidential informant for future use by the Department as a result of negative information shall prepare a memo to the SIB Commander requesting the disqualifying information be entered into the confidential informant's file and forwarded to WSIN. Upon review/approval by the SIB Commander, the member shall forward the information to WSIN and retain the written approval in the confidential informant file for later review.
An annual audit sheet will be completed for each file on an annual basis or as needed to account for a change in CI status. All confidential informants shall be assessed whether they should remain active or deactivated by the department member responsible for reviewing the file.

Deactivated Confidential Informants

Any confidential informant who has been in active for a six month time period will be deactivated. When CIs are deactivated for any reason, their status shall be changed in the Master CI File List and maintained in the deactivated file for a period of 10 years. After 10 years of deactivated status the file shall be physically purged. Prior to the use of a deactivated confidential informant, the CI file shall be updated and approved by the SIB Commander or designee.

H. Narcotics Cases Involving Confidential Informants

When filing narcotics cases involving confidential informants (CIs), the following information must be included at the time of filing:

- The name and date of birth of the CI;
- The amount of money or other consideration given to the CI for his/her services in that particular case;
- The amount of money or other consideration given to the CI for his/her services during the time he/she has worked as a CI for our agency; and
- A current CII print out for the CI.

The District Attorney's Office will take all reasonable steps to protect the identity of the CI. Any cases missing this information will not be filed by the DA's office.

Officers and Detectives that are filing cases through CLO/PLO for the felony filing team will need to provide the above listed 4 items in a sealed envelope marked with the case number and "Confidential" on the exterior. That envelope will need to be hand delivered for filing to a member of the PLO staff to ensure confidentiality is maintained.

When completion of the package occurs after work hours for PLO, then the sealed envelope containing the required CI information will be placed in the HQ Narcotics Booking Locker. Officers and Detectives that are members of specialty units that file their cases with other District Attorney teams will need to provide the information in the same manner directly to the District Attorney that will be filing their case.

I. Member/Informant Relations

Members shall adhere to the following:

- Each informant shall have a primary member assigned to him/her to ensure full-time control. The member's supervisor shall be kept updated on all informant related events;
- It is imperative that the member(s) maintain objectivity throughout this relationship. The informant shall be dealt with in a friendly and honest, but businesslike manner;
- Promises shall not be made to the informant that cannot be kept;
- Contacts with the informant shall be in person whenever possible and with prior notification to the member's supervisor;
- All interactions between the CI and SIB member shall be documented in the CI file log;
- All contacts with the informant(s) shall be conducted on duty. If phone contact is made off duty, members shall notify their supervisor;
- Two members shall be present when contacting informant(s), unless otherwise approved by a supervisor;
- Under no circumstances may a member personally contact an informant(s) outside normal working hours unless specifically authorized by a supervisor;
- Members shall exercise good judgment when choosing a location to meet informant(s) and should not meet the informant(s) at a location that might compromise the officer or give the appearance of any impropriety;
- Members shall be conscious of the possibility of allegations of impropriety of a sexual nature being alleged by an informant;
An informant's information should not be accepted as totally reliable. The member should consider the past reliability of the informant and the circumstances of how the information was obtained by the informant prior acting on the information;

The informant's identity shall be guarded. Discovery requests for the informant's identity from any agency other than the prosecutor responsible for the case should be referred to the Department's Legal Advisor;

Information regarding other investigations that the Department might be conducting shall not be divulged to the informant; and

Members shall not accept any gifts or gratuities from an informant or engage in social, romantic, business, or financial dealings with the informant.

Members shall not use Crime Stoppers as a means to provide payment to an informant or an individual who has not been approved as an informant.

Members shall maintain control of the confidential informant. Members shall stress to the confidential informant that the informant is not to act on their own, but shall follow the directions of the member as well as the following:

- The confidential informant shall not participate in any unsupervised meetings with suspects or persons involved in an investigation without consent of the member(s);
- The confidential informant shall not use controlled substances;
- The confidential informant shall follow the directions of the member. Failure to follow legal directions or obey the law may result in the termination of the confidential informant relationship;
- All agreements between the member and the confidential informant shall be in writing and approved by a supervisor;
- The confidential informant shall not be allowed to do anything that the member cannot do legally;
- Confidential informants shall not be advanced any monies without the approval of a supervisor;
- Members shall verify the status of the confidential informant with the Special Investigation Bureau, who will maintain a file on the informant;
- Confidential informants found to be unreliable or that have been suspended from working in another police bureau, district, or by the Special Investigation Bureau will not be utilized as an informant;
- Members shall not compromise themselves or their investigations by overlooking criminal transgressions of the confidential informant. Confidential informants who commit criminal transgressions while serving as an informant may be terminated.
- The confidential informant shall only be provided with enough information in order to complete their assignment; and
- The confidential informant shall not be told he/she will never have to appear in court.

After a period of time, not longer than 4-5 years, productive confidential informants may be transitioned to a multi-jurisdiction task force or to another law enforcement agency. This will help prevent over reliance on particular sources and development of “career” informants.

Informant’s Issued U-Visa Non-Immigrant Status

Members wishing to utilize a confidential informant that does not meet the residency requirements for the United States may petition for a U-Visa from the U.S. Citizenship and Immigration Services (Policy §428) with approval from the SIB Commander. When the controlling agent is no longer going to work with the confidential informant, he/she shall notify the local U.S. Immigration and Customs Enforcement (ICE) office if there will be a new controlling agent or if the confidential informant will be deactivated.

When a confidential informant issued a U-Visa is deactivated, the controlling member shall deliver the confidential informant to the local ICE office for deportation.
Member Leaving a Unit

When a member assigned to a unit involving the management of confidential informants transfers or leaves the unit, his/her supervisor shall conduct an exit review to determine the proper disposition for the member's confidential informants. The CI file shall be updated to indicate whether the confidential informant will be deactivated, turned over to another controlling agent, or maintained by the member in their new assignment.

Annual Audit by Supervisors

Supervisors shall conduct an annual audit of all CI's assigned to members of their unit. The purpose of this audit is to determine that the ongoing working relationship with the assigned member and the CI is professional and within Department guidelines.

Vouchers

Members shall adhere to the following:

- All fields on the vouchers shall be completed;
- There shall be two members present when a CI is receiving payment;
- Members shall count the money in front of the CI and another member; and
- Members shall send the goldenrod copy of the voucher to the SIB Commander no later than thirty days after the CI receives payment. The Goldenrod copy of the voucher will be placed and kept in the CI permanent file.
FRESNO POLICE DEPARTMENT

C.I. Information:

NAME: __________________________

D.O.B.: __________________________

CII: __________________________

CASE RELATED FUNDS TO C.I.: __________________________

TOTAL FUNDS GIVEN TO C.I.: __________________________
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.

A. General Procedures

Approved Expenses
Investigative Fund expenses include, but are not limited to, the following:

- Purchasing narcotics;
- Purchasing contraband (i.e. weapons, stolen property, alcohol from commercial establishments, etc.);
- Direct payment to informants; and
- Direct payment to minor decoy’s (Minor’s working directly under the supervision of the ABC Coordinator).

Prohibited Uses
The following transactions are prohibited uses of Investigative Funds, except where specifically pre-approved by the City Manager or the City Controller:

- Entertainment, office supplies, travel reimbursements, and personal expenses are specifically excluded from authorized Investigative Fund cash disbursements;
- Reimbursements for member meals;
- For alcoholic beverages when not in conjunction with an ABC Unit investigation/operation;
- Tickets to social, cultural or athletic events;
- 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
- Cash expenditures for miscellaneous items or services needed during any approved investigation. If necessary, these types of purchases shall be made with other funds using the appropriate procedure and documented authorizations.

Informant Expenditures
All monies expended in connection with the use of the informant shall be recorded in the informant’s individual file:

- Upon payment, the informant must sign the Investigative Funds Expenditure Voucher unless directed otherwise by the district, bureau, section, or unit Commander;
- The golden rod signed “Investigative Funds Expenditure Voucher” will be kept in the informant’s individual file; and
- The Fiscal Affairs Bureau shall not reimburse vouchers which fail to contain all applicable signatures (i.e. employee’s signature, approving supervisor, confidential informant, and witness). Sworn members shall sign the voucher as witnessing all expenditures of more than $20.

B. Establishment of Investigative Funds

All Investigative Funds will be established through the City Controller’s Office. Written requests are to be sent to the City Controller’s Office for approval and action. Requests for these funds should contain:

- Reason for the fund;
- The account, fund and organization to be charged;
- The amount requested; and
- Individual assigned responsibility (custodian) and backup for the fund.

**Increase of Investigative Funds**

Increasing an existing Investigative Fund requires a written memo from the respective district, bureau, section, or unit Commander, through the chain of command, to the Finance Department. Requests should contain:
- Reason for the increase;
- The account, fund and organization to be charged; and
- The amount requested.

**Termination or Reduction of Investigative Funds**

An Investigative Fund may be terminated or reduced at any time at the request of the respective district, bureau, section, or unit Commander and through the chain of command, or as directed by the City Controller. To close an Investigative Fund, the cash balance on hand and all receipts for the fund are to be returned to the Finance Department. If the total of the cash to be returned plus the receipts does not equal the total amount authorized for the Investigative Fund account, an explanation, in writing, signed by the fund custodian and Commander, must be provided.

**Security of Funds**

Investigative Funds shall be maintained in the safe of the respective district, bureau, section, or unit assigned, under the control of the lead custodian.

**C. Custodians**

**Custodian Designation**

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.

**Custodian Responsibilities**

The Investigative Fund custodian shall be responsible for the following matters related to the operation of the fund:
- Safe and secure storage;
- Keeping each Investigative Fund separate from all other funds;
- Ensuring that each transaction is for the established purpose of the Investigative Fund;
- Providing proper documentation to support each expenditure, ensuring the completeness and accuracy of the Investigative Funds Expenditure Voucher;
- Replenishing the Investigative Fund in a timely manner;
- 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
- 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.

**C. Accounting of Expenditures**

**Investigative Funds Expenditure Voucher**

Personnel who expend funds should be reimbursed upon presentation of a voucher, completed in ink, and containing the following information:
- Date and time - Enter the exact date and time that the expenditure occurred;
- Vice/narcotics number - Enter the vice/narcotics number assigned to the investigation;
- Fresno Police Department (FPD) case number - When FPD case number has been issued;
- Location - Exact location where expenditure was made;
• Confidential Informant (CI) Number - When an expense occurs in connection with the use of a CI, enter the CI number;
• Details - Briefly describe the reason for the funds;
• Amount spent - When expenses are incurred in the furtherance of a police investigation, they shall be delineated as follows:
  o Expenses - List all expenses other than a narcotics purchase or payments to a CI;
  o Narcotics Buy - List the exact amount expended for an undercover narcotics purchase;
  o Confidential Informant - List the exact amount paid to the CI; and
  o Total - All listed categories shall be totaled. When the amount expended is for only one or two categories, a line shall be drawn through the unused categories;
• Contraband seized - When expenditure has resulted in the seizure of narcotics, stolen property, or other contraband, the quantity of contraband shall be listed (Note: When more than one voucher is submitted for the investigation involved in any one seizure of contraband, the amount of narcotics or stolen property seized shall be listed on only one voucher);
• Employee’s signature - The employee requesting reimbursement shall sign his/her name and badge number and write out the total amount expended (e.g., twenty dollars);
• Approving supervisor - The supervisor (commanding officer or section supervisor) approving the expenditure shall review the voucher for content and completeness and sign his/her full name, rank, and badge number;
• Confidential informant - When payment is made to a CI, the exact amount shall be written out and signed by the CI;
  o A copy of all vouchers for expenditures to a CI shall be given to the case agent for inclusion in the CI’s file, after approval by the Sergeant and Commander; and
• Witness - A sworn member shall sign/date and include his/her badge number as a witness for all expenditures of more than $20.

An original receipt properly documenting the purpose of each expenditure should be forwarded with the original voucher when possible. Receipts other than original receipts (or any other form of documentation) must be signed by the district, bureau, section, or unit commander and are subject to the approval of the City Controller.

Investigative Fund Reconciliation/Replenishment
The Investigative Fund shall be reconciled at least quarterly by the custodian or when fund replenishment is required. An Investigative Fund log shall be retained by the custodian in order to facilitate a running balance of funds currently on hand.

All expenditures submitted for reimbursement or are voided shall be recorded on the ledger cash control summary page with the following information:
• A brief description of the reason for the expenditure;
• Vice/Narcotics report or case number entered;
• Voucher number entered;
• Date of transaction as it appears on voucher entered;
• Dollar transaction (cash received, voucher expense and cash advance) entered; and,
• Asset column listing the actual cash on hand following reimbursement for the voucher.

Additions to the Fund must be recorded in the ledger cash control summary page by entering:
• The reason for the addition in the name/description column;
• The date of addition of funds; and
• The amount of the monies added to the revolving funds in the cash received column.

D. 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.

The following control procedures are in place and will be utilized to safeguard the Investigative Fund:

- Investigative Funds are subject to surprise cash counts by the City Manager, the City Controller, Assistant City Controller and/or the Internal Audit Division of the Finance Department;
- Segregation of Investigative Funds from other funds should be monitored; and
- Investigative Fund shortages exceeding $5 should be reported to the City Controller or designee and to the Fiscal Affairs Bureau.

Procedure Review/Approval

This procedure and any future revisions require the review and approval by the Finance Department prior to implementation.
Criminal activity often crosses jurisdictional lines. As a result, multiple agencies may be conducting investigations involving the same suspect(s) and/or location(s). Event deconfliction is an important tool in an attempt to avoid dangerous confrontations and/or unintentional consequences for law enforcement personnel and our citizens by entering qualifying events into the RISSafe system.

A. Definitions

Event Deconfliction is the process of determining when law enforcement personnel are conducting events in close proximity to one another at the same time.

RISSafe (Regional Information Sharing System) is a national network comprised of six multistate centers designed to operate on a regional basis, including WSIN. RISSafe stores and maintains data on planned law enforcement events—such as raids, controlled buys, and surveillances—and identifies and alerts affected agencies and officers of potential conflicts that may impact law enforcement efforts.

WSIN (Western States Information Network) is the West Coast regional deconfliction center. Its mission is to increase officer safety and investigative effectiveness by identifying conflicting investigations and providing accurate and reliable information on a real-time basis to all law enforcement agencies.

B. Events

It is the policy of the Department to engage in event deconfliction in an attempt to avoid dangerous confrontations and/or unintentional consequences for law enforcement personnel and our citizens by entering qualifying events into the RISSafe system.

All information entered is considered confidential and law enforcement sensitive.

The following activities/events shall be entered into the event deconfliction system:

1. The service of search warrants;
2. The planned arrest of a person immediately after he or she has delivered or received, or attempted to deliver or receive, contraband to or from an officer or informant (buy busts, reverse sting operations, controlled drug deliveries, stolen or burglarized property, etc.);
3. Taking delivery of any contraband from a suspect who is not arrested, but permitted to leave pending further investigation ("buy-walk");
4. Informant or officer face-to-face meetings with suspects for the purpose of receiving, delivering, or negotiating the receipt or delivery of any contraband;
5. Predetermined surveillances, whether stationary or mobile, including those occurring in our jurisdiction or the jurisdiction of a non-participating law enforcement agency;
6. Covert activity by officers, or by informants acting under the direction of officers, that could initiate a response from citizens or local police who may reasonably believe that a crime is in progress;
7. Long term covert operations (storefronts);
8. Any other high-risk or specialized law enforcement activities that would benefit from event deconfliction.

C. Notification

Personnel conducting field operations as described in section §B shall ensure that these operations are entered into the event deconfliction system either online or by telephone 1-800-952-5258. All operations requiring entry into the event deconfliction system shall be made as soon as information is received.
Training and Access

All members with assignments that may require them to perform event deconfliction shall receive training enabling them to obtain appropriate security access and to navigate through the event deconfliction system. Members who need WSIN access should obtain approval from their supervisor, then contact the Narcotics Supervisor for access.
Procedure

700

Fresno Police Department Procedures Manual
Care and Replacement of Department Owned
and Personal Property
Corresponding Policy 700: Care & Replacement of Department Owned & Personal Property

A. Care of Department Property
A member’s intentional or negligent abuse or misuse of Department property may lead to discipline including, but not limited to, the cost of repair or replacement.
• Members shall take reasonable steps to safeguard Department property entrusted to them, including the removal of unsecured property from within a locked vehicle (i.e. weapons, police radio, etc.);
• Members shall promptly report through their chain of command, any loss, damage, or unserviceable condition of any Department issued property or equipment assigned or entrusted to them. Lost, damaged, or stolen equipment shall be reported according to Procedure §701;
• The use of damaged or unserviceable Department property should be discontinued as soon as practical and replaced if possible with comparable Department property as soon as available and following notice to a supervisor;
• Except when otherwise directed by a supervisor or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed;
• Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority;
• In the event that any Department property becomes damaged or unserviceable, no member shall attempt to repair the property without prior approval of a supervisor; and
• At no time will any repairs be attempted or made to any Department issued, authorized, owned, leased, or acquired firearms, less lethal (kinetic energy projectile), TASER™, or any other apparatus, equipment (including vehicles) or weapon, unless authorized by the Chief of Police.

B. Filing a Claim for Personal Property Loss or Damage
Claims for reimbursement for loss or damage to personal property must be made on the Property Loss Notice form available on the Department Network (“L” Drive) or from a supervisor. This form is submitted to Risk Management.

Members always retain the right to personally seek redress from another, through the courts, for any loss or damage to personal property.

C. Loss or Damage of Property of Another
Any member who loses, damages, or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below:
• A verbal report shall be made to the member’s immediate supervisor as soon as circumstances permit; and
• A written report shall be submitted before the member goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

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; and
• 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.

D. **Inspections**
    **Supervisor Responsibility**
Supervisors shall be responsible for conducting inspections of all subordinates assigned to them. Inspections shall be conducted in conjunction with required performance evaluations. Unannounced inspections may also be utilized to ensure that equipment issued to subordinates is maintained in good working condition. Inspections shall include, at minimum, uniforms, issued Department equipment, weapons, complete Policy & Procedures Manuals, periodic inspections of facilities, and vehicles.

**Facilities Inspection**
Supervisors shall ensure that facilities utilized by members of the Department are inspected annually for general condition, cleanliness, and to prevent costly repairs for neglected equipment in facilities. Observed defects, inoperable equipment, and general cleanliness issues shall be documented in a memorandum through the supervisor's immediate chain of command describing in detail the condition identified. Supervisors shall also re-inspect, as necessary, and document when the equipment or facilities have been repaired and/or replaced.
A. **Weapons Proficiency / Orientation**
Members must demonstrate proficiency with each weapon issued, prior to being authorized to carry the weapon in the field. Demonstrated proficiency is established as follows:

- Members must attend a course of instruction specific to the weapon system. The course of instruction shall be taught by a certified weapons instructor and be an approved course of instruction through the Training Bureau.
- The course of instruction will provide attendees with information regarding the laws governing the use of the weapon, policies and procedures relative to the application of reasonable force up to and including the application of deadly force, medical treatment protocols after force application, reporting requirements, and safe handling procedures for the use of the specific weapon.
- Attendees must also obtain a minimum qualifying score on a prescribed course to successfully complete the course for the specific weapons system.

When the authorized course of instruction is provided by an agency or organization outside of the Department, members must provide Personnel Bureau with a copy of the course completion certificate prior to being authorized to carry the weapon in the field.

B. **Lost, Damaged, or Stolen Equipment**

**Member Responsibility**
Members whose Department issued property is lost, damaged, or stolen shall immediately advise a supervisor. When the loss/damage/theft occurs outside of the City of Fresno, the member shall report the incident to the law enforcement agency with jurisdiction. Additionally, members shall complete a GI/Synoptical Report containing:

- A ‘Narrative’ describing the events surrounding the loss/damage/theft; and
- The outside agency’s case number in the ‘Related Rpts’ section of the ‘Dispo’ tab.

Incidents occurring within the City of Fresno shall be documented in a Crime Report or GI report as appropriate. In all cases, members shall:

- List the location of occurrence;
- List the City of Fresno as a victim;
- Check the ‘Department Property Lost/Damaged/Stolen’ box as a case factor on the ‘Case’ tab;
- Complete the ‘Prop’ tab listing all lost/damaged/stolen Department property, including serial number and City asset number when known;
- Complete the ‘Narrative’ describing the circumstances surrounding the loss/damage/theft;
- List the replacement cost and private insurance claim information (when applicable); and
- Route a copy of the report to the ‘Property Supervisor’.

The report shall be submitted within three business days of the loss.

Members who receive compensation from their personal insurance company for a loss of Department issued property shall reimburse the City, through the Fiscal Affairs Bureau, for the amount collected from the insurance company. When the member’s division commander has determined the loss was not the result of negligence, the reimbursed compensation shall be less any deductible.

Disciplinary action may be taken against members whose negligence results in loss of Department issued equipment. Members shall have the option of reimbursing the Department for the loss of
Department issued equipment in lieu of disciplinary action with the approval of their division commander.

**Supervisor Responsibility**
The member's supervisor shall investigate the circumstances surrounding the loss and complete a BlueTeam entry including:
- A completed Inquiry/ Complaint Form (ICF), or Receipt of Complaint (ROC) memo;
- Loss Notice Report; and
- All other related documentation.

All documents shall be forwarded through the chain of command in Blue Team to the division commander consistent with the complaint process outlined in Procedure §1020. The supervisor shall CC the unit responsible for the property (PECS Supervisor, Body Camera Supervisor, or Rangemaster) in BlueTeam. The documentation shall be submitted within five days of the loss. Loss Notice Report forms may be obtained from the Department network (“L” drive).

The routing of the Blue Team entry to the unit supervisor will authorize replacement of the property when appropriate.

Unit supervisors shall ensure that any equipment issued to that unit is also kept in a state of operational readiness through periodic inspections.

**Fiscal Affairs Bureau Responsibility**
The Fiscal Affairs Bureau shall receive reimbursements from members who have been compensated for the loss of Department issued property.

When directed by a division commander the Fiscal Affairs Bureau shall bill members for the amount of the loss.

The Fiscal Affairs Bureau shall track all payments and billing to ensure member compliance. When the bill has remained unpaid for 90 days a notice will be forwarded to the billed member's division commander.

**Division Commander Responsibility**
Division commanders shall review the circumstances surrounding the loss of Department issued equipment and make a determination of accountability.

When a determination is made that the loss was the result of a member's negligence, the division commander may allow the member the opportunity to pay for the loss in lieu of disciplinary action. Payment shall be made to the Fiscal Affairs Bureau.

Upon receipt of a notice from the Fiscal Affairs Bureau that a member has failed to pay a bill, the division commander shall determine whether disciplinary proceedings shall be initiated.

**C. Issued Equipment**
*Department Issued Handgun & Holsters*
Uniformed officers shall carry the Department issued handgun in the Department issued holster at all times while in uniform.

**Exception:** Sworn members assigned to administrative positions may be exempted from carrying a weapon on-duty upon the approval of their commanding officers. (See Procedure §312)
Reflective Vests
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.

Issued Books and Manuals
Members shall maintain issued books and manuals as revisions are issued. Members shall have these books and manuals immediately accessible while on-duty in either a printed or electronic format.

Department Keys
Members who routinely need access to an area that their issued key will not operate shall obtain the proper key from the PECS with authorization from their commander. When the PECS determines the member would not normally be authorized the key(s), then the member must submit a memo through his/her immediate supervisor to his/her section or bureau commander explaining the need for access. The section or bureau commander shall indicate approval on the memo and return a copy to the member originating the memo. The original memo shall be sent to PECS and will serve as authorization to issue the member a key for the lock.

Department Photo Identification Card (ID Card)
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.
- When on-duty or acting in an official capacity representing the Department, members shall display their Department issued identification in a courteous manner to any person upon request and as soon as practical.
- Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.
- Members working undercover details are exempt from these provisions.

Business Cards
Whenever necessary, business cards shall be:
- Used for official business only;
- Used to record case or event numbers to provide such information to a member of the public;
- Provided to the subject of a traffic enforcement stop when a citation is not issued; and
- Provided whenever any person requests a member’s name and/or badge number in person.

Cellular Telephones
A member assigned to a position that has a cellular telephone shall acknowledge receipt at the Policy and Procedures Unit. The member who has departed from the assignment shall ensure that the responsibility for the telephone has been transferred. Members shall notify the Policy and Procedures
Unit when they are no longer assigned the cell phone number or are re-assigned to a different position with a new number.

Broken or malfunctioning cellular telephones shall be taken to the Policy and Procedures Unit for repair or replacement. A request for a cellular telephone to be assigned to a position, for which one is not currently authorized, shall be forwarded through the chain of command to the Office of the Chief of Police.

**Body Worn Cameras**

A member assigned to a position that has a body worn camera shall acknowledge receipt during camera training. A member who has departed from the assignment or is placed on Long Term Absence shall ensure the camera and all related equipment is turned in to the Body Camera Unit.

Broken or malfunctioning body worn cameras shall be taken to the Body Camera Unit for repair before the end of the work shift when the malfunction occurred. The camera, cable, and controller will all be placed in an envelope with the officer’s name on it and left in the Drop Off Box at the Body Camera Unit. A short note or email to axoncamera@fresno.gov describing the error should be included. Cameras are not to be sent via interdepartmental mail.

Once the equipment is repaired, the Body Camera Unit will send an email to the officer advising them the equipment is ready to be picked up. Upon receipt of the email, officers shall respond to the Body Camera Unit at the start of the same work shift, retrieve their equipment from the Pick Up Box, and place their camera back in service. Should an officer be unable to respond and retrieve their equipment immediately, or at the start of their work shift, officers shall notify their immediate supervisor of the reason for the delay.

D. **Optional Equipment**

Provisions in this section shall govern the use of personal equipment on-duty that is not issued by the Department. Except as provided herein, personal equipment not provided by the Department shall not be used in lieu of Department issued equipment, unless approved by the Chief of Police or his designee.

**Vehicles**

Except with the expressed permission of his/her supervisor, no member may use a personal vehicle in the performance of his/her duties while on-duty. No member shall be required to use his/her personal vehicle for official purposes unless use of a personal vehicle is a job requirement (e.g., Crime Prevention Unit CSO’s).

**Weapons**

Only authorized weapons, or those specifically authorized by the Chief of Police may be carried. Specifically prohibited are sheath knives, daggers, batons, saps, sap gloves, flashlight/baton combinations, or other striking devices not issued by the Department. Members, however, may carry knives, not previously mentioned, for utility purposes as defined by law.

**Load Bearing Vests**

Members are authorized to purchase a load bearing vest at their own expense, subject to the stated provisions listed in the Uniform Specifications List. Members who choose to purchase the load bearing vest will also be responsible for purchasing any associated equipment, i.e, thigh holster.

E. **Department Equipment Used Off-Duty**

Department issued oleoresin capsicum spray (OC), Taser™, hobbles, handcuffs, keys, whistles, flashlights, and holsters may be carried and used off duty.
F. **Separation From Service**
Supervisors shall ensure that members under their command return Department equipment upon separation. When all Department equipment has not been returned upon separation of a member that member's supervisor shall notify the Fiscal Affairs Bureau so that appropriate action can be taken.

G. **Retired Badges**
When a sworn member retires in good standing, with 30 years or more of service, they will receive the following from the Property Evidence & Control Section (PECS):

- Regular Department issued badge currently held by the member;
- A retirement flat badge; and
- A mini "pin" badge.

When a sworn member retires in good standing with less than 30 years of service, they will receive the following from PECS, upon review and approval of the Chief of Police, or designee:

- The option to buy their regular Department issued badge. A memorandum must be signed by the Chief of Police, or designee allowing the PECS to sell the badge to the member for the replacement value;
- A retirement flat badge; and
- A mini "pin" badge

When a sworn member separates from service in good standing, with a minimum of five years of service, they will receive the following from PECS, upon review and approval of the Chief of Police, or designee:

- The option to buy their regular Department badge. A memorandum must be signed by the Chief of Police, or designee allowing the PECS to sell the badge to the member for the replacement value.
A. **General Rules** (all vehicles)

- No modifications to any Department vehicle are authorized (including disabling any equipment or accessory. e.g., passenger seat airbag, seatbelt sensor, etc).
- No passengers except ride-a-longs, witnesses/involved parties and arrestees are permitted, unless authorized by a supervisor.
- No personal business is to be done using a Department vehicle.
- All vehicles will be inspected prior to use, for safety, usability, contraband and proper equipment. (siren check should be minimal)
- All lethal and (less-than-lethal) projected impact weapons are to be inspected for function and use. (see Procedure § 432).
- Any damage found will be reported to a supervisor prior to the use of the vehicle and checked against the damage log. If not already noted, the supervisor will make the necessary entry and inquiries.
- Keys issued (including spares/remotes if used) are to be turned in immediately after use. Each division or districts may have specific instructions regarding vehicles and keys issuance.
- Lost or stolen items, contraband and evidence, (including keys), are to be reported immediately to a supervisor. The supervisor will decide how it is to be reported, returned or booked into PECS.
- Any required supplies are to be replaced by the user prior to turning in the vehicle.
- Vehicles are to be used only by the division or district assigned unless authorized by a supervisor, and notifications made.
  - vehicles are to be issued first to maximize their availability.
- Older high mileage vehicles are to be issued first to maximize use and ensure timely rotation out of the fleet.
- All available vehicles can be utilized as the need arises to maintain shift deployment in a timely fashion. (except those tagged for safety reasons)
- Push bumpers are to be used only to move a disabled vehicle a short distance, to a place of safety and at the discretion of the officer, exercising due caution.
- Escorting any vehicle is prohibited unless authorized by a supervisor.
- Transportation of sick/injured persons is prohibited unless authorized by a supervisor.
- Seatbelts are a mandatory use safety item for all drivers and passenger seat occupants, while the vehicle is in motion. (Exception: tactical exits and exigent circumstances).
- Prior to and after any transport of any prisoner(s) for any distance, for any purpose, the vehicles transport area will be inspected for contraband or property.
- Anytime there is contact with any object or surface with the undercarriage or suspension component of any Department vehicle, it must be reported to a supervisor. Lacking any obvious damage, the vehicle will be “tagged” for inspection.
- Any damage done as a result of a criminal act or theft of or from the Department vehicle and/or its equipment will be reported immediately to a supervisor.
- Only an authorized tow company will be used to tow a Department vehicle. (ComCen will process the request)
  Vehicles left at the City Shop can be exchanged for another on the ready line as long as it is from the same division or district
- When transporting a child that requires a child seat, all efforts to locate and utilize one will be made. However, under exigent circumstances, they may be transported in a marked patrol vehicle without one provided they are seat belted and authorization is made by a supervisor.
• When patrol vehicles are expected to be unattended, employees shall turn their engines off, unless the vehicle’s emergency equipment is activated. In this instance, secure idle shall be utilized with the engine running. Department members who expect to be out of their patrol vehicles for more than 4 hours should consider shutting down their computer, to avoid significant delays in rebooting.

(Refer to Procedure § 704, Vehicle Maintenance, for additional info)

B. **Unmarked/ Plain Vehicles**

• The Chief of Police has the authority to assign or reassign vehicles and the criteria under which they will be used, including allowable distances and availability of storage (refer to current MOU).
• Vehicles not assigned to an individual officer shall not be used by anyone not assigned to the unit, unless authorized by a supervisor of that unit.
• Vehicles are not to be taken outside the city limits without prior approval of a supervisor.
• Unassigned vehicles will not be checked out more than 5 minutes prior to use, and must be checked back in no more than 5 minutes after use.
• Vehicles are not to be used for personal errands or solely for going to meals.
• Assigned (take-home) vehicles should be parked in an enclosed garage, driveway, carport, stall or other secure area and not on any street or alleyway.
• When not secured inside a lockable, enclosed garage, all Department equipment will be removed and secured away from the vehicle.
• Assigned vehicles must be returned to the unit for any prolonged absence from work, including vacation, injury, illness or a leave of more than 3 working days.

C. **Police Motorcycles**

• Motorcycles are assigned to an individual traffic officer for official use only.
• Motorcycles may be ridden to and from work only.
• Motorcycles may be stored at another location with prior supervisor authorization.
• Motorcycles must be stored (parked) in a secure and sheltered facility.
• Motorcycles shall not be ridden off-duty without prior supervisor authorization.
• Passengers are prohibited.
• Headlamps and tail lamps must be on at all times when ridden.
• No modifications are permitted without authorization of the Chief of Police.
• Repairs shall only be made by an authorized dealer or repair facility.
• Motorcycle condition, including care and cleanliness, as well as maintenance issues are the responsibility of the assigned officer.

D. **Radar**

**Radar Equipment**

Prior to issuing any traffic citation using a radar as the speed measuring device, the member shall have completed a P.O.S.T. certified 24hr radar operator’s course. The radar equipment being utilized shall have been calibrated by either the manufacturer or by RHF, Inc. and the operator will insure that the unit is working properly by performing the required calibration and function tests. These tests will be completed using the assigned tuning forks and internal light function tests and will be performed both before and at the end of the members shift. The tuning forks shall be kept with the assigned radar unit.

It is the District Commanders’ responsibility to designate a supervisor to coordinate and track the radar units assigned to the district. When the radar equipment fails either the calibration or function test and/or the calibration is due, it shall be the district supervisors’ responsibility to ensure the unit is shipped to RHF, Inc for repair and/or calibration. The supervisors shall ensure that all units within their district are working properly and calibrated before putting them back into service. Units assigned to the Traffic Bureau shall be maintained by the Radar Coordinator. The calibration due date shall be checked periodically as both the Decatur and Stalker units must be factory calibrated every three years.
The maintenance, repair and calibration records for radar units assigned to the districts shall be kept at that district’s dressing station. The Traffic Bureau radar units’ records will be maintained at the Traffic Bureau. A master copy of all radar unit records will be maintained by the Radar Coordinator and kept at the Traffic Bureau.

E. Parking Vehicles at HQ/City Hall Annex

Only persons authorized by the Chief of Police or a Division Commander may park on the HQ/City Hall Annex (Annex) parking lot. Parking is restricted on the HQ/Annex parking lot as follows:

1. Parking in handicap stalls is restricted to handicapped persons who display appropriate handicap identification as required by the California Vehicle Code;
2. All stalls marked with signage (custodian, Duty Office pool car, ISB, Business Manager, Chief’s Office, etc.) shall not be utilized by anyone except for the designated City employee;
3. All numbered stalls are reserved and shall only be used by the assigned member. With the assigned member's approval, a designee may use the stall when the assigned member is not using the space (vacation, days off, training, etc.);
4. Un-numbered stalls are restricted from 0600-1800 hours M-F, for Department vehicles only (i.e. detective vehicles, vehicles assigned to HQ, Duty Office pool cars, etc.);
5. Members shall not park their personal vehicles in un-numbered stalls between 0600-1800 hours M-F. With the assigned member's approval, a designee may use the stall when the assigned member is not using the space (vacation, days off, training, etc.);
6. Members who are assigned to a City of Fresno parking lot shall park their personal vehicles in their designated lot and not at a meter. When the designated lot is full, members shall abide by the “City of Fresno Employee Parking Permit Rules, § 6, 6a and 6b” they agreed to when issued their permit;
7. Members who want a City parking permit shall obtain a parking permit from the Parking Division, participate in payroll deduction and abide by all City of Fresno Employee Parking Permit Rules (this includes obtaining a HQ/Annex parking lot permit);
8. Members working in a temporary capacity at HQ/Annex shall not park their personal vehicles in the HQ/Annex lot. Members working in a temporary capacity shall obtain a temporary parking permit from Parking Services at City Hall; and
9. Police parking on N Street, Fresno Street and M Street designated as “Police Vehicles Only” are for detective vehicles, marked Department vehicles or City of Fresno vehicles. Members shall not park their personal vehicles in these designated stalls.

When no authorized parking is available on the parking lots, members driving vehicles with exempt license plates or having dashboard parking placards may park in adjacent parking meter stalls.

Other Department Facilities

Members may park on other Department facility parking lots only with the express permission of the commander/manager in charge of the facility.

F. Supervisor’s Responsibilities

Supervisors should monitor personnel assigned to them to ensure compliance and take appropriate corrective action when violations occur.

G. In Field Parking

Members shall make every effort to park Department vehicles legally. When vehicles must be parked in a manner that interferes with traffic, emergency lights shall be activated. The vehicle shall be moved and legally parked as soon as practical.

H. Court Parking

Members responding to court may park their personal vehicles in the underground parking garage or in the north lot of the Memorial Auditorium. When parking at these locations, members shall place a copy of their subpoena on the dash so it is visible from the exterior.
I. **Parking of Private Vehicles During Duty Hours**
Members are responsible for making their own arrangements to park their private vehicles at their work site. Members parking on the street shall not interrupt their duties to move their vehicles or "feed" parking meters to avoid citations. Members who receive parking citations on their private vehicles shall not attempt to have the citation canceled or voided for any reason. Should on duty members be called to cite vehicles and discover that the vehicle to be cited belongs to another member, no attempt shall be made to contact the owner in lieu of issuing the citation.

J. **Visitor Parking**
Personnel of other law enforcement agencies who are conducting business at HQ will be allowed to park in the HQ lot. Members who are conducting business with visiting law enforcement personnel shall direct them to display a business card on the dashboard when the vehicle is unmarked.

K. **Vehicles Assigned to SWAT Personnel**
Refer to Procedure 408 SWAT Team, Section H.
A. **Vehicle Equipment**

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

**Patrol Vehicles**

Members shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 10 Emergency road flares
- 1 Roll crime scene tape
- 1 Fingerprint kit
- 1 Fire extinguisher (fully charged)
- 1 Personal Protective Equipment (bio-hazard kit), “Red Box”
- 1 Disposable blanket
- 1 Bottle of water (1qt for O/C exposure)

In addition to the above, supervisor vehicles shall have:

- 1 Set of jumper cables
- 1 Complete set of evidence number stands

**Unmarked Vehicles**

A member driving an unmarked Department vehicle shall ensure that the minimum following equipment is present in the vehicle:

- 10 Emergency road flares
- 1 Disposable blanket
- 1 Personal Protective Equipment (bio-hazard kit)

B. **Non-Sworn Employee Use**

Non-sworn members using marked vehicles shall insure all weapons are removed from vehicles before going into service.

Non-sworn members should not operate the emergency lights or siren of any vehicle unless they have received prior authorization by a supervisor.

C. **Defective Vehicles**

When a Department vehicle becomes inoperative or in need of repair that affects the safe operating ability of the vehicle, that vehicle should be removed from service for repair. A vehicle repair “tag” shall be promptly completed by the member who first becomes aware of the defective condition, describing the problem or correction needed. The Shotgun, Less Lethal Shotgun, and Patrol Rifle from tagged vehicles shall be removed, unloaded outdoors, and then placed in a gun locker or safe in the Bureau, District, Section, or Unit where the vehicle is assigned. The vehicle should not be driven until repaired.

D. **Routine Maintenance**

When a Department vehicle is in need of routine maintenance as indicated by the shop mileage sticker, a repair tag should be completed, and the vehicle issued only as a last resort or in emergency situations. Prior to the vehicle being transported to the shop or other off-site repair facility, the Shotgun, Less Lethal Shotgun, and Patrol Rifle shall be removed and secured as listed above in Section C.

If no mileage sticker is found, then a repair tag should be completed, to have it replaced.
E. **Vehicle Refueling**

Absent emergency conditions or supervisor approval, members driving patrol vehicles shall not leave the vehicle with less than one-quarter tank of fuel at the end of their shift.

Vehicles shall only be refueled at authorized locations.

F. **Washing of Vehicles**

All vehicles shall be kept clean at all times. Weather conditions permitting, they should be washed as necessary.

- Department vehicles will only be washed at authorized locations.
- Members shall put themselves out “Vehicle Service” when responding to the car wash.
- Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.
- Members using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

G. **Supervisor Responsibilities**

Supervisors shall conduct inspections periodically to ensure that all Department vehicles are maintained in a condition of operational readiness. An annual vehicle inspection shall be performed by supervisors of all vehicles not covered by the Special Vehicle Operations Manual. The inspection shall occur prior to the patrol matrix rotation. The inspections will comply with the existing requirements of Procedure §§703A, 704A and be documented on a Vehicle Inspection Form.

Any vehicle deficiencies shall be noted on the Vehicle Inspection Form along with the corrective measures taken. Vehicle Inspection Forms shall be retained in the Bureau, District, Section, or Unit where the vehicle is assigned.

Supervisors shall re-inspect vehicles where deficiencies are identified, after corrective measures are taken to ensure the adequacy and safety of the vehicle. This re-inspection and correction shall be noted on the Vehicle Inspection Form.
A. Military Surplus 1033 Program
The Department may acquire excess property/equipment from the Department of Defense (DoD) Military Surplus 1033 Program to support law enforcement activities, including counter-drug and counter-terrorism activities.

Program Administration
The 1033 Program shall be coordinated by the Support Division Commander or his/her designees, with final approval by the Chief of Police.

B. Program Coordinator Responsibilities
The designated program coordinator and/or designees will insure all Local, State and Federal rules, requirements, and guidelines are followed in regard to the 1033 program. Responsibilities include:

- Maintaining accurate records, from receipt through final disposition, for all property obtained through the 1033 program and updating the Federal Excess Property Management Information System;
- Coordinate with Property and Evidence Control Section (PECS) supervisor and have the property added to the Department's inventory maintained by Equipment and Supply. Equipment and Supply will track the property and which department member or unit it is assigned to;
- Conduct annual inventory inspections as required by DoD and Department related to all equipment obtained through the 1033 program. This normally includes an in person visual inspection and may require a photograph of the items for DoD review;
- Complete searches and requests for available equipment (screening process) through the program;
- Insure acquired surplus property is not thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority and tracking;
- Designate personnel as “Authorized screeners” who will be approved to access, request, and acquire excess property through the program; and
- Designate the Department’s Property Accountability Officer (Main designee) and secondary Department Accountability Officer (Secondary designee) for the 1033 Program with approval of the Chief of Police.

C. Request for Acquisition of Surplus Property
Any requests for acquisition of equipment through the 1033 Military Surplus Program shall be approved by the requesting unit’s commander and forwarded for final approval by the Support Division Commander or designee.

D. Responsibility of Member or Unit Issued Surplus Property
Units and/or department members who are issued property acquired through the military surplus 1033 program shall notify the 1033 Program Coordinator and PECS Supervisor or their designees; if the property is no longer needed, becomes damaged or is lost. This is in addition to any other required procedures.
A. **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 firearms, bicycles, or other items taken under authority of a law [e.g., **WIC §5150** (mentally ill persons)]; and/or
- Personal property of an arrestee not taken as evidence.

**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).

**Booked** – Is defined as property that has been properly entered into the Property Section FileOnQ property management computer system, packaged as required, with booking labels attached in the appropriate manner.

B. **Property Handling**

Any member who comes into possession of any property, shall retain such property in his/her possession until it is booked and placed in the designated property locker or storage room. Care shall be taken to document the chain of custody for all evidence in appropriate reports.

A written report is required detailing the circumstances by which property and/or evidence came into FPD possession and describing each item of property obtained. Members shall indicate the disposition of all evidence in their report of the incident.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. Release of property back to the owner should be documented by recording it on the member’s body camera, and documenting it in the member's report of the incident.

C. **Property Booking Procedure**

All property must be booked prior to the member going off-duty unless otherwise approved by a supervisor. If the system is unavailable, hand written forms may be used.

Members booking property shall:
- Complete the FileOnQ booking screen by completing all applicable sections for each item booked;
- Mark each item of evidence with initials and date;
- Package each item appropriately and attach the proper evidence labels for each item; and
- Place the booked item(s) into the appropriate locker or designated secured storage space.

**Handling Exceptional Value / Sensitive Items**

When booked items are exceptional, valuable or sensitive (e.g., expensive jewelry, rare coins, collectibles, rare documents, etc.) and have a reasonable and estimated market value in excess of $1000.00, members shall write "**VALUABLE**" in large bold letters on the booking envelope or box just below the booking label, and include the same comments in the comments section of the FileOnQ...
booking screen. This will flag the item as needing special storage considerations. Property and Evidence Control Section (PECS) personnel will store the item(s) in the evidence vault at HQ.

D. **Property/Evidence Transportation**

Members shall transport property and evidence in their assigned vehicles when possible.

A district pickup or a patrol wagon shall be requested when an item is too large for a car.

When an item is too large or too heavy for a district pickup or a patrol wagon, the member shall notify his/her supervisor who will coordinate with PECS to arrange transportation.

Property or evidence shall not be stored in a member’s desk, locker, vehicle, or any other container beyond the end of the shift that the property or evidence was obtained.

E. **Flammable Materials**

When flammable or volatile material evidence from an arson or related crime needs to be booked as evidence and stored for potential lab analysis, FFD personnel (or CSI personnel when FFD is unavailable) will transfer a small amount of the liquid (1 ounce) into a glass jar they have for this purpose. FFD (or CSI) personnel may then appropriately discard the remainder of the contents of the liquid container. The booking member will place the glass jar into a K-Pak pouch, heat seal it, then place it into a small paint can (available in the CSI or Evidence booking room) and seal it inside. The booking label will be affixed to the outside of the can. After entering the can into FileOnQ, the sealed can will be left with CSI personnel, who will turn the items over to PECS the next business day. PECS personnel will receive the item, and then store it in the flammable liquids locker in the PECS. The original and now empty storage container can then be booked by the booking member at FPD facilities as evidence when needed as such. Members shall note in their reports the approx. total amount of the contents inside the container before it was discarded (e.g., note that there was 6 oz. of liquid when only 1 oz. was kept for analysis).

F. **Dangerous/Unstable or Hazardous Materials**

Dangerous and/or unstable substances shall not be booked into standard property storage lockers. All such property will be collected at the scene by FFD personnel for booking into their evidence storage facility.

Hazardous materials shall not be booked into PECS. A hazardous materials team (i.e., FFD) shall be called to handle the proper collection and/or disposal of all hazardous materials.

Dynamite, military explosives, etc., will be handled by the Explosive Ordinance Disposal (E.O.D.) Team.

Paint, glue, and ammunition (.50 caliber and smaller) shall be booked into property lockers.

Legal fireworks (Safe and Sane) that are booked into PECS and which do not have evidentiary value shall be transported to the Fire Marshall for destruction on the next business day by an EOD technician. Legal fireworks that are booked into PECS which do have evidentiary value shall be transported to the FPD explosives magazine on the next business day by an EOD technician.

Illegal or homemade fireworks shall not be booked into PECS. An EOD technician shall respond to the scene to take custody of all illegal fireworks. The EOD technician shall transport the illegal fireworks to the explosives magazine to be retained as evidence or held for destruction.

G. **Evidence Storage Locations**

Property/evidence storage and “Drop Slot” lockers are located in the Evidence Booking Room (Room 15) in the basement of HQ and at the Central, Northwest, Southeast, and Northeast district stations. All members are responsible for locking evidence storage facility lockers and doors after booking property/evidence.
H. Packaging Property/Evidence

Containers

Boxes, envelopes, hang tags, labels, tape and wire are provided at all property booking stations.

- Members booking property or evidence shall package items in envelopes, boxes, or other designated containers using the smallest container available which will hold the item(s) safely.
- Envelopes shall be sealed with 2 inch transparent or evidence tape.
- Boxes shall be secured with tape so that the flaps do not open on the top and bottom.
- Seals shall be initialed and dated by the booking member.
- Envelopes and boxes shall then be placed in a property locker.
- Evidence booked in envelopes will be placed in envelope “Drop Slots.”
- Larger items and evidence booked in boxes will be placed inside lockers.

Large Items

Items which are too large for storage in evidence lockers at HQ shall be placed inside the property cage located in the HQ basement near the Prisoner Processing Section entrance.

Large items booked at the Northeast, Northwest, Central or Southeast District stations may be stored in a secure area at the station. A note shall be attached to the exterior of a property locker which describes where the property is stored.

Property Tags & Labels

- All containers of property or evidence shall have a property label attached.
- When a box is used, the label shall be attached to the top left side of the smaller end panel.
- Items which do not fit into a container shall have a hang tag or label attached.
- All envelopes shall have a property label attached.
  - Only pre-printed envelopes specifically designated to be used for booking money and narcotics shall be used for packaging those specific items.

The labels are generated from the information entered into the FileOnQ booking system.

- The item numbers on the label should match the item numbers in FileOnQ.
- Money envelopes require two property labels. One which includes the item barcode and case number, and one listing the specific money denominations inside the money booking envelope.

Marking of Property and Evidence

Members shall mark all items of property and evidence with their initials and, where space permits, the date the item was booked.

- When possible, members shall apply the required evidence markings in a location and manner which does not outwardly damage or disfigure the item.
- Markings shall not be placed in any place which would in any way alter or damage the evidentiary or real value of an item.

EXCEPTIONS:

- Very small items need not be marked individually but shall be identified by marking their containers;
- Large quantities of like items need not be marked individually. It is necessary to mark only a representative sample of such items; and
- Items which can be identified by serial numbers and/or unique identifying markings need not be marked as described above. In such cases, the number or unique marking shall be clearly listed in the appropriate information field in FileOnQ.

Preserving Minute Evidence

Small pieces of evidence, such as fingernail scrapings, hair, paint scrapings, etc., shall be placed in an envelope, glass vial or other suitable container and placed in a properly labeled evidence envelope.
Bicycles
Bicycles are booked at HQ only and shall be placed in the property cage located in the HQ basement near the Prisoner Processing Section entrance. The bike should be left hanging on the bike hanger. A property hang tag with label shall be completed and tied to the handle bar of the bicycle.

Loose clothing and other miscellaneous items attached to the bike shall be booked separately and entered into FileOnQ. These items shall not be left with the bike but secured in a booking locker, or left in the booking cage by the refrigerators when lockers are unavailable or too small.

Each bike must be listed as a separate item in FileOnQ. The serial number, owner applied number, or the license number shall be included in the FileOnQ entry.

Found bikes will be held for 30 days before disposition.

Vendor Carts
When storing a vendor cart, the storing member shall:
- Contact COMCEN who shall contact Econo Towing Company to respond to the member’s location and store the cart;
- Complete a VIR for the stored cart; and
- Advise the vendor cart operator that their cart may be released by contacting a district investigator from the district where the cart was seized.

I. Property/Evidence Report (PER)
When property or evidence is booked, the information will be typed into the FileOnQ booking system. A PER may be printed from FileOnQ at the member’s discretion but is not necessary to book property. A printed copy of the PER may be used as a citizen receipt at the member’s discretion.
- Evidence booked into FileOnQ will automatically become an attachment to the case within 48 hours. Therefore, it is not necessary to additionally enter the booked items in the Property Tab in RPW.
- Exception: It is necessary to also enter the evidence in the Property Tab in RPW for property that is serialized or has identifying markings so that it can be entered into Teletype by selecting the Teletype button in RPW.

J. Found Property
Members shall indicate on the FileOnQ property booking page any information identifying the owner of Found Property to allow notification by PECS. Identifying information may include name, address, phone number, driver’s license number, social security number, etc.

Found property shall be packaged separately from evidence and safekeeping property.

Stolen Property Check
Prior to reporting any property with serial or identification numbers as “found,” members shall initiate a check into the stolen property system of CLETS and DMV (when an owner applied number resembles a CDL number).

Items that have been checked for stolen status and determined to be clear may then be booked as found property.

Citizen Claims for Found Property
Members shall inform the RP that they must submit a written claim to the Department when they want to claim an item which has been booked as found property.
- The claim letter must contain the case number under which the property is booked, the date the property was booked, a brief statement that the RP wishes to claim the property, and the type of property claimed.
The claim letter should be addressed to the supervisor of the PECS and must be submitted within the following time limits:
- Personal items (including bicycles): 30 days from the booking date.
- All other property: 90 days from the booking date.

Firearms may be claimed, but they will not be released until the Gun Clerk authorizes the release of the firearm to claimant, and a background check on the finder has been completed by the DOJ. Contraband and other unlawful items will not be released to the finder.

K. Property Held for Safekeeping
Members shall indicate in their report the reason(s) why the item(s) was seized and booked for safekeeping to facilitate later case review.

If Department member should take large quantities of property to store for Safe Keeping from transients/homeless, that department member shall call the Sanitation Department to have such items turned over to them. Department members shall provide the owner with the Item Collected Tag Number and advise the owner to call the City of Fresno to setup an appointment: Call (559) 621-1896 or in person at 1325 El Dorado St. Fresno, CA 93706, Monday-Friday 9:00am-3:30pm except Holidays.

Members should NOT book items for safekeeping that belong to a suspect when the suspect is released on a citation.

When members come into possession of property which cannot be returned safely to the rightful owner, the member shall book the property for safekeeping.
- The member shall advise the person from whom the property is obtained that the property will be held for safekeeping by the PECS for no longer than sixty days.
- If the rightful owner of the property does not claim the property within the sixty days, it will be disposed of consistent with the law.

When members take or receive property for safekeeping (not including firearms and/or other deadly weapons), they shall give the person a Fresno Police Department Property for Safekeeping - Receipt.
- This receipt has instructions notifying the person about the requirement to pick-up the property within sixty days.
- The person may also authorize another to pick-up the property in their place by making a written request to the Department, addressed to the supervisor of the PECS, prior to picking up the property.
- The receipt also gives the person, if incarcerated, an additional ten month extension in which to make arrangements for the disposition of the property. In this case, the person must make a written request to the Department, addressed to the supervisor of the PECS, in order for an extension to be granted.
- Safekeeping property shall be packaged separately from evidence and found property.

L. Narcotics Evidence
Narcotic evidence is divided into two categories.
- Narcotic evidence which has no evidentiary value and does not require analysis; and
- Narcotic evidence which has evidentiary value and requires immediate analysis.

When narcotics from both categories are seized together, they shall be booked separately according to the guidelines listed below.

Evidentiary Narcotics
Narcotics that have evidentiary value require immediate analysis. Immediate analysis is required when a suspect is in custody on charges related to the narcotics being booked, a citation has been issued, or a known suspect is at large for whom an arrest warrant will be sought.
Non-Evidentiary
Narcotics that have no evidentiary value, such as found narcotics or narcotics that are not related to pending charges against a suspect, will not be analyzed.

Members shall provide all information requested on the envelopes and, in the case of non-evidentiary narcotics, the member shall write “No Test Needed” in the description portion of the DOJ Controlled Substance Evidence Envelope.

Members booking narcotics for analysis shall place the evidence inside the completed DOJ Controlled Substance Evidence Envelope and seal the flap of the envelope with 2” tape to prevent tampering and the loss of evidence.

- Members shall sign or initial over the seal in letters large enough to extend beyond the edge of the flap so that booking members can determine if the seal has been broken.

When the items booked are very small or are powdery and subject to leaking through the envelope or their own containers, members may put them in smaller envelopes, KAPAK pouches, glass vials or other suitable containers before putting them in the DOJ envelope.

When different types of narcotics are seized under the same case and are all to be analyzed, or when narcotics are seized from different suspects under the same case and are to be analyzed, booking members shall put the different types of narcotics and/or narcotics seized from different suspects into separate KAPAK pouches labeled with appropriate identifying information, before putting all the evidence into the DOJ envelope.

Once the evidence is sealed in the DOJ envelope, the DOJ envelope shall be placed in the narcotics evidence locker at HQ.

PCP, Cocaine, LSD, Methamphetamine, and Other Synthetic Drugs
Once seized, PCP/LSD should be transported to HQ and booked immediately.

- Members should wear gloves to avoid direct contact with the PCP/LSD and should wash their hands thoroughly with soap and water after handling anything containing PCP/LSD.
- PCP/LSD should be transported either in the trunk of the vehicle or, when carried in the passenger compartment, with windows down to provide adequate ventilation.
- When PCP is spilled onto clothing (including shoes), the clothing must be removed immediately and will need to be discarded. Neither laundering nor dry cleaning will make the clothing safe to wear.

PCP/LSD shall not be brought into HQ before it is properly packaged to avoid spillage, breakage, and/or exposure to fumes. A heat sealer and KAPAK pouches are stored in the property cage for this purpose.

- PCP/LSD in solid form need only be heat sealed in a KAPAK pouch before booking.
- PCP in liquid form should be placed in a capped bottle or jar.
- It may remain in its original container, if safe, or put into a jar available in the Crime Scene Investigation Bureau (CSI).
- The capped bottle or jar shall then be heat sealed in a KAPAK pouch. Once properly packaged, PCP/LSD evidence is to be booked the same as regular drug evidence.

Cocaine, Methamphetamine and other synthetic drugs shall first be heat sealed in KAPAK pouches prior to being booked the same as regular drug evidence.
Large Quantities of Narcotics
When the quantity of narcotics seized is so large that it will not fit into a DOJ envelope, a representative sample of the substance shall be booked for analysis using the DOJ envelope.

- A separate entry into FileOnQ shall be made for each item.
- The remainder (no more than 10 pounds) should be booked in regular evidence lockers using standard evidence containers. When the remaining amount is more than 10 pounds, refer to Procedure 335-Drug Enforcement for further procedures.
- When this procedure is followed, a note shall be left with the sample booked for analysis advising narcotics personnel that more narcotic evidence from the same seizure was booked into regular lockers.
- A DOJ envelope shall be taped to the box so the identity, weight and quantity can be listed.

Large quantities of narcotics (anything over one ounce) shall be booked by at least two members. Both members shall sign the DOJ envelope.

Marijuana and Opium Plants
When marijuana or opium plants are booked, members shall complete the DOJ envelope and enter the items in FileOnQ. The marijuana or opium plant(s) shall then be booked into the narcotics evidence locker.

Edible marijuana infused products that are booked for analysis for drug prosecution purposes shall be booked in a DOJ drug envelope and placed in the narcotics locker at HQ.

Members who have received DOJ authorized training shall perform their own presumptive tests on marijuana or opium plant(s) that they seize.

- The results shall be recorded on a Presumptive Analysis Report and attached to the back of the DOJ envelope.
- The DOJ envelope shall be placed in the narcotics locker.

When booking fresh, green plants or wet marijuana, the plants shall be placed in a box with the top left open or placed in a burlap sack which is available from the PECS or CSIB. The case number shall be written on the box or burlap sack using a sharpie pen or similar item.

- A sample shall be booked into the narcotics locker in a DOJ envelope.
- Once the plants have dried, PECS personnel shall then seal the box for storage or place the burlap sack into a box and seal it for storage.
- In the event PECS is closed, CSI personnel will temporarily store the plants until PECS personnel takes custody of the evidence on the next working day.

Narcotics Analysis and Storage
It is the responsibility of CSI members to remove and forward all booked evidentiary narcotics for presumptive analysis.

After the presumptive analysis, the CSI members shall return the evidence to the PECS for storage.

All non-evidentiary narcotics shall be removed from the narcotics locker and given to PECS for storage.

Narcotics Evidence Viewing Procedures
All requests to view narcotic evidence will be handled by PECS, CSI or Narcotics personnel who will arrange with the PECS to have the evidence retrieved from storage.

Narcotics Paraphernalia
Narcotics paraphernalia booked as evidence for paraphernalia charges (HS §11364, BP §4140) is not subjected to analysis. This evidence shall be booked in standard envelopes and placed in regular evidence lockers.
Narcotics paraphernalia, other than syringes, booked as evidence of possession of controlled substances charges (based on a usable quantity of narcotic) is subject to immediate analysis and shall be booked into the narcotics evidence locker.

When the material to be analyzed is in liquid form, it must be put in a sealed container or small glass vial prior to booking to avoid leakage.

**Booking and Analysis of Syringe Contents**
In the absence of an exceptional circumstance (e.g., incidents involving the death or imminent death of a person) members shall not book hypodermic syringes and/or needles for analysis of contents.

- Syringes booked under an exceptional circumstance shall be handled according to policy and secured in protective syringe containers provided by the Department.
- The container(s) shall be placed in an appropriate envelope and then booked into regular evidence lockers using standard booking forms.

Special arrangements shall be made by Narcotics, upon receipt of a special request from the booking member, for the contents of syringes involved in exceptional cases to be transferred into containers suitable for delivery to, and analysis by, the DOJ laboratory.

**Syringes and Other Paraphernalia**
In narcotics paraphernalia cases (HS §11364, BP §4140), in which the syringe or small glass pipe itself (rather than its contents) is physical evidence of the offense, the syringe or glass pipe shall be booked in a protective syringe container, placed in an appropriate envelope, and then booked into regular evidence lockers using standard forms. When glass pipes are too large to fit into the plastic protective syringe container, they shall be wrapped in bubble wrap before putting them inside the booking envelope.

Other contents of "hype kits" shall be booked as regular evidence.

**Disposal of Syringes and Needles**
When syringes and needles are not needed as evidence in a criminal prosecution, they shall be disposed of in red "Sharps containers" located in all district stations, and the PECS booking area.

PECS is responsible for the proper disposal of full containers.

**M. Booking Property of an Arrestee**
Any property belonging to an arrestee that is not accepted by FCJ booking officers shall be booked into the PECS. Officers booking property from an arrestee into the PECS system shall give a copy of the Property for Safe Keeping Receipt to the arrestee before he/she is booked.

**N. Property/Evidence Disposition Methods**
Property / evidence may be disposed of through:

- Investigator/District Attorney authorization;
- Court orders and dispositions (JUS 8715); and
- Purging guidelines as established in this order, absent the authorizations stated above.

**O. Acceptable Dispositions for Property and Evidence**
Dispositions by Investigators

- Release to owner or representative;
- Hold for future case review;
- Release to Dispose; and
- Release to Destroy (used if an investigator specifically wants an item destroyed).
  - Items that are legally deemed to be “contraband” by their very nature or manner of illegal use in an incident should not be returned, but instead marked for destruction in FileOnQ.
NOTE: Items that are evidence of a crime, instrumentalities of a crime, and fruits of a crime should not be returned to suspects when a conviction has been achieved in the case.

Release of Disposed Property and Evidence by Members of PECS

- Release for Auction;
- Release to City Finance;
- Release to Charity; and
- Release for Governmental use (Penal Code §1411).

Investigative Services Division (ISD) Supervisor Responsibility

ISD supervisors shall:
- Ensure investigators comply with the disposition guidelines as contained in this order;
- Review and make a disposition determination on assigned cases directed to their unit, in which property and/or evidence has been booked; and
- Ensure that final disposition of found, recovered, and evidentiary property is accomplished within six months after legal requirements have been satisfied.

P. Special Booking Procedures

Blood & Urine Evidence Samples to be Analyzed for Drugs and/or Alcohol

Blood or urine samples which are to be analyzed for drugs, or a combination of drugs and alcohol, are to be booked into the PECS. All such samples shall be booked as follows:
- Blood samples from the same subject shall be enclosed in the same blood sample envelope. When more than one vial is enclosed, measures are to be taken in packaging (e.g., wrapping the vials with gauze and taping them together, etc.) to prevent breakage;
- The blood/urine envelope headings shall be modified from "Sample for Alcohol Analysis" to "Sample for Drug (or Drugs and Alcohol) Analysis";
- All urine samples will be closed securely and sealed with the attached evidence tape and placed in the Urine Sample Envelope. Any blood samples (in the appropriate envelope) from the same suspect, may be included in the larger urine envelope with the proper heading modification "Urine and Blood Sample for Drug (or Drugs and Alcohol) Analysis";
- All blood and/or urine samples to be analyzed for alcohol, drugs, or drugs and alcohol shall be deposited into the Blood/Urine Drop Box in the PECS Booking Room at HQ. Blood or urine samples are never to be deposited in the narcotics evidence locker; and
- In cases with multiple suspects, evidence from each suspect shall be packaged and labeled separately from all other suspects. Each suspect's sample shall be listed as a separate item in FileOnQ with the suspect's name listed in the Item Description line in FileOnQ.

Blood Booked at the Traffic Bureau Office

Only blood samples from suspects cited for misdemeanor and infraction DUI violations are authorized to be booked at the Traffic Bureau office drop slot. All other blood samples shall be booked at HQ.

Blood Samples for Comparison Purposes

Blood collected from a suspect for evidence comparison purposes shall be booked into the PECS refrigerator located next to the prisoner entrance of the Prisoner Processing Section.
- Any blood sample drawn for evidence comparison purposes shall be booked separately from blood for drug and/or alcohol analysis.

Money

Money (U.S. currency and/or coin) shall be packaged separately from all other property being booked under the same case and shall be booked at HQ only in the money locker. It shall be placed in a pre-printed money envelope and have two labels attached to the money envelope. One label for the case number/barcode number, and one label for money denominations being booked. When the quantity of bills or coins is too bulky to fit into a money envelope, a larger envelope or a box may be used with a money envelope taped to the outside.
The booking of money shall be done using the “Two Person Rule” where the money is counted and witnessed by two members prior to placing the money in the pre-printed money envelope.

- The booking members shall provide their name, badge number and date on the lines provided on the flap which shall then be closed and covered with transparent tape.
- The FileOnQ booking labels shall be placed where noted with brackets on the pre-printed money evidence envelope.

All money envelopes shall be listed as an individual item in FileOnQ, indicating the total number of each denomination in the denomination fields.

Money will be held in the HQ vault for a minimum of three months. After this time period, the money will be deposited into the Trust Fund account through City of Fresno Finance.

EXCEPTIONS: Money in the following categories will not be deposited into the Trust Fund account:

- Money that has been processed and from which fingerprints were lifted;
- Money that has DNA evidence;
- "Bait Money": recorded, serialized bills, or bills containing a tracking device which were collected during a robbery investigation;
- Money specifically requested to be left in the vault by the case investigator;
- Money collected in PC §187 cases, OIS cases; and
- Collectible bills and coins. (Collectible bills and coins, as identified by the owner due to their increased value, shall be booked as property, not as money.)
  - Example: Coins mounted in books, stored in containers, etc.

When money is booked under the above exceptions, members shall write “Do Not Deposit” in large letters on the money envelope and include a brief reason (e.g., “DNA,” “Bait Money,” etc.) in the Item Description line of FileOnQ.

Motor Vehicles
Small motor vehicles, such as minibikes, mopeds, go-carts, etc., may be booked into PECS rather than having them towed and impounded.

- Motorcycle frames, parts, and accessories may also be booked into property.
- When these items are booked, they shall be placed in the property cage with a hang tag and label attached. Vehicles or vehicle parts which leak oil or which are otherwise unsuitable for storage indoors shall be impounded by tow truck.
- In determining whether to impound or book a vehicle, the size of the vehicle will be the primary consideration.
- When the vehicle and/or part can be placed into a vehicle by one person, it may generally be suitable for booking into the PECS.

Paint & Glue Evidence
Evidence of possession or use of paint, glue or other prohibited substances (PC §381), (e.g., paint rags, plastic bags, etc.) is not subject to immediate lab analysis, nor to presumptive tests.

- All paint or glue saturated materials shall be placed in sealable metal containers available in the PECS.
- When all of the material will not fit, a representative sample (preferably wet) shall be placed in the container and booked.
- The remainder shall be placed in a heat sealed KAPAK pouch, then put in a standard booking envelope.
- The metal container shall be identified with a standard property label.
- This material shall be deposited into regular evidence lockers only.
- The booking of this type of evidence does not require completion of the DOJ envelope.
Perishable Items
When stolen perishable items, such as food or beverages, have been recovered and a victim can be identified, the items shall be photographed and returned to the victim. Perishable items shall not be booked.

EXCEPTION: If food or beverage samples need to be taken for contamination/poison analysis, packages should be clearly marked and stored in the booking refrigerator. Once an analysis has been completed, the samples shall be disposed.

When edible marijuana infused products are seized but no prosecution is desired, they shall be considered perishable items and not booked but disposed by the member.

Sexual Assault Evidence
- The large white box (main Sexual Assault kit) should be listed as your first item in FileOnQ.
- The small white box containing the victim/suspect blood sample should be listed as the second item in FileOnQ. If you were not given a small blood vial box, secure the vials with bubble wrap and tape and then place them in a 5x7 envelope.
- Any bags/boxes of clothing should be listed as separate items in successive order following the above (Item 3, 4, 5, etc.). Make sure your description denotes whether the item is from the Victim or the Suspect in the Item Description field of FileOnQ.
- These items are then to be placed in a locked container in the evidence refrigerator just outside the CSI officer entry door.
- Any blood/urine samples that need to be analyzed at CVT are to be labeled and placed in the Blood/Urine Locker inside the HQ booking room. DO NOT place sample for CVT in the refrigerator.
- CD’s of photos should be booked in a 5x7 envelope and placed in the HQ booking room Slot Locker. DO NOT book CD’s in the refrigerator, as this can damage them.
- The Hospital Medical Report is NOT to be booked or left with the evidence. All medical reports are to be turned into the Records Bureau with “Attachment” and the case number written at the top of each page (for inclusion in RPW).

Any questions can be directed to a Property Tech at 621-2675. Messages can be left after hours. Emergency property requests can be made after hours by contacting the Property Section supervisor through the Duty Office.

Sharp Objects
Sharp or pointed objects shall be carefully wrapped with a piece of cardboard or paper envelope to ensure safe handling. The object shall then be placed in a sturdy container clearly marked as containing sharp objects. Sharp objects that are too long to put into an envelope or box shall have a property hang tag with a property label attached to it.

Open Containers of Liquid
Containers of liquid which have no lids shall be sealed when possible, or the contents shall be transferred to a sealable container (KAPAK pouch or metal can) available in the PECS. Liquids sealed in their original containers shall be packaged so as to prevent spillage if they are knocked over.

Bloody Objects
Members shall use cardboard, paper, or similar porous material to securely package any bloody objects being booked into evidence.
- Members shall note the presence of blood in the item description section of FileOnQ.
- Wrapping materials can be obtained from the CSI.
- The container shall be clearly marked with bio-hazard material labels.
Wet Articles
When members possess articles which must be dried prior to booking, a separate entry in FileOnQ shall be completed for the wet item(s). The item(s) shall be delivered to a CSI technician who shall book the item(s) when dry. A notation in the Item Description line in FileOnQ shall be made describing that “The wet items were delivered to the CSI for drying”.

Video Evidence
Video evidence from robberies shall only be booked into Locker #20 at HQ evidence booking. Robbery videos shall NOT be booked at any dressing station.

Search Warrant Evidence
When booking items seized in a search warrant, members shall list the search warrant number in the Search Warrant # line in FileOnQ, and the address where the search warrant was served in the Item Description line in FileOnQ. This facilitates later case review.

Members writing narcotic search warrants which involve the seizure of multiple implements of cultivation or drug processing equipment should attempt to obtain judicial approval for prompt disposal of those items when there is more than one item of each type (e.g., keeping one lamp, fan, meter, generator, etc. but disposing of the remaining items of each type).

When members book excess marijuana and/or cultivation implements that are authorized for destruction by court order/search warrant, they shall note in the Item Description line in FileOnQ that the item(s) is being “Booked for destruction per court authorization”.

Q. Digital / Electronic Evidence Collection
Types of Digital / Electronic Evidence
When investigating crimes involving the use of technology or computers, members may encounter electronic devices or media that contain digital evidence recoverable through forensic examination. These items include, but are not limited to, computer systems (desktop, laptop, servers), external hard disk drives, floppy disks, Jaz/Zip disks, CD/DVD’s, PCMCIA cards, digital tape cassettes, personal digital assistants (PDA’s), flash memory drives, flash memory cards, MP3 players, smart cards, digital cameras, network routers/switches/hubs, wireless routers/access points, cell phones, pagers, digital answering machines, and fax machines. Many of these items will contain digital/electronic evidence of the crime.
Some electronic devices such as PDA's will lose all information stored in memory if the battery is discharged. If this type of item is seized, immediately notify a high-tech crimes investigator so the item may be examined in a timely manner; and

- If a home or business network is encountered immediately notify a high-tech crimes investigator for assistance. Improper handling of these often complex environments may result in loss of evidence and create potential civil liability.

**Computer Evidence**

For computer systems, observe the system and determine if it is on or off.

- If the computer is on:
  - Do not turn it OFF;
  - Photograph the screen and record information displayed. If the screen is blank (sleep mode) or is displaying a screen saver, move the mouse slightly to display what is on the screen. If the mouse movement does not work, do not perform any keystrokes or additional mouse operations. Do not attempt to view information contained within the computer's hard disk drive;
  - Remove the power source cable from the back of the computer—not from the wall outlet. For laptops, also remove the battery pack. Do not perform a normal shutdown of the computer. This will modify operating system files and may alter potential digital evidence; and
  - Photograph, diagram, and label the connections of the computer and corresponding cables to allow for exact reassembly at a later time.

- If the computer is off:
  - Do not turn it ON. Powering on the system will alter system files and potential digital evidence. Do not open closed laptops as they may power on simply by opening the lid;
  - OFFICER SAFETY: Sophisticated computer users have been known to booby-trap their systems. The power switch, the boot-up electronic signals or the hard drive controller card could be wired to an explosive; and
  - Remove the power source cable from the back of the computer, document and photograph the system as outlined above.

In most cases, not all computer components need to be collected and booked as evidence. Generally, only the computer tower, containing the central processing unit (CPU) and related components, needs to be collected. Only in the most serious cases should all of the components (monitor, keyboard, mouse, etc.) be collected.

**NOTE:** Any questions regarding the collection of computer systems or any other digital/electronic evidence should be directed to the high-tech crimes investigators of the Felony Theft Unit. These investigators are also available to respond to requests for assistance with the approval of the unit supervisor.

**Types of Non-Digital / Electronic Evidence**

When investigating crimes involving the use of technology or computers, members may encounter items of non-digital/electronic evidence that are very important to the case. These items include but are not limited to diaries, handwritten notes containing user names/passwords/IP numbers, hardware/software manuals, calendars, literature, text or graphical printouts, and printed photographs. A cooperative suspect will often give user names, passwords and other useful information if requested. This information is very useful to the forensic examiner and will often expedite the examination process.
R. **Firearms**

**Teletype Inquiry**
Members booking a firearm shall check it through CLETS and NCIC for stops and registration information. When CLETS and/or NCIC are down, the member shall log into RPW on their next business day and ensure the property information is transmitted to Teletype electronically.

**Teletype Entry**
Members shall minimally include the mandatory information needed for Teletype entries: serial number, make/country of origin, model ("X" can be used when unknown), caliber, type, date of incident, and case number.

All items of property (serialized/uniquely marked) booked as Evidence, Found, and/or Safekeeping shall be submitted to Teletype for entry via electronic means (RPW). Questions related to Teletype entries can be directed to Teletype at extensions 2541/2542. Any type of recovered/located outside agency property shall be called into Teletype.

**Rap Sheet Submission**
When a suspect is placed into custody for a firearms violation, a criminal history printout of the suspect shall be obtained and reviewed for appropriate prior convictions, so the charges on which the subject is booked are based upon any prior convictions discovered on the criminal history printout.

**Booking**
The firearm shall be unloaded prior to placing it in an evidence locker. The firearm shall not be concealed or packaged but shall be placed in the locker in plain view. Rifles and shotguns booked with a gun case shall be removed from the case, and booked as separate items in FileOnQ. If the case is locked, an attempt to unlock the container shall be made. If unable to locate a key, the lock shall be cut and the guns removed. Members shall attach a property tag with the item label affixed to the trigger guard using wire or string, so that it does not dangle loosely.

Members taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The member booking the firearm shall indicate in FileOnQ in the Item Description line that serial numbers have been removed or obliterated.
When the firearm has a magazine or clip, the magazine or clip shall be unloaded and placed back into the firearm prior to being booked.

**EXCEPTIONS:**

- When a firearm must be booked in a loaded condition (e.g., jammed weapons), or if the booking member is unable to determine if it is loaded, on duty PECS members shall be notified that it is loaded and/or possibly loaded when it is booked.
  - When PECS personnel are not on duty, a note shall be attached to the outside of the evidence locker in which the firearm is placed.
  - The memo shall detail the condition of the loaded firearm including whether or not it is jammed.
  - PECS personnel shall not attempt to unload the weapon.
  - PECS personnel shall contact a Department Armorer and make arrangements for him/her to clear the weapon prior to it being processed for storage; or

- When a firearm is collected as evidence and is contaminated with bio-hazard material (e.g., bodily fluids), the booking member shall enter the firearm into FileOnQ, print out the booking label, a PER, and leave the firearm and the label at the CSI for drying. Once the bio-hazard material on the firearm has dried, the CSI Technician will package the firearm, mark it as a possible bio-hazard, book it into PECS, and write a follow-up report.

**Firearms and/or Other Deadly Weapons Held for Safekeeping**

When members take or receive firearms and/or other deadly weapons for safekeeping (e.g., mental health incidents, domestic violence incidents, restraining order incidents, etc.), they shall give the person a Fresno Police Department Receipt and Notice of Rights for Confiscated Firearms/Other Deadly Weapons Form. The current revision date of the form to be used is 01/2010 which is found at the bottom right of the form. All firearms and/or deadly weapons seized pursuant to this paragraph shall be booked as ‘EVIDENCE’ and not safekeeping to avoid inadvertent destruction.

**Disposition**

All firearm dispositions will be coordinated by the SVB firearms clerk. Prior to release, an Authorization for Release Form shall be signed by the SVB Commander or a designee.

Ammunition that is booked with a weapon shall not be released the same day the weapon is released. The owner can return the next business day to claim the ammunition.

**S. Evidence to Court**

When members anticipate appearing in a court proceeding where booked evidence may be required, members or CLO shall attempt to notify the PECS a minimum of 24 hours in advance to accommodate the retrieval of any evidence which is not stored at HQ.

When receiving narcotics from the PECS, members checking out narcotics for court will be required to show their subpoena to the PECS Technician.

- At the time evidence is removed from the PECS for court, members shall procure a Receipt of Evidence Form in addition to signing for the evidence.
- When the evidence is left in court, the form must be completed by the member and signed by whomever takes custody of the evidence (i.e., the Deputy DA or the Court Clerk).
- The completed form shall be returned to the PECS.
- When evidence is listed on the Receipt of Evidence Form, the description should be the same as it appears in the FileOnQ entry.

All evidence not used in court shall be returned to the PECS immediately after the completion of the court hearing or at the time the member is advised the evidence will not be used.
When the PECS is closed, members shall place the returned evidence in an evidence locker with the Receipt of Evidence Form and a note stating that the property is being returned from court.

T. **Unidentified Property**

Property in the custody of the PECS that cannot be identified or is unclaimed by the owner shall be disposed of as provided for in PC §12028, FMC §§4-202, 4-304 through 4-306.

U. **Sale of Property**

Members may not obtain for personal use any item that has been in the possession or control of the PECS, or other City divisions, whether legally sold or auctioned, unless the member has not had control over or participated in the decision that the property was surplus and could be sold.

V. **Release of Property**

When authorizing the release of property, members shall advise the party to contact the PECS at 621-2675 to make an appointment to pick-up their property. When property is stored at a storage location away from HQ, 24 hours advance notice is required to retrieve the property.

When a victim is notified that his/her stolen property has been recovered he/she shall be provided with the case number.

They shall also be informed that due to investigative requirements the property may not be immediately available for release.

W. **Request for DOJ Analysis**

Members wishing to have a DOJ laboratory examination of any item of evidence shall complete a DOJ Bureau of Forensic Services Form (BFS-4), and submit it to the CSI, along with a copy of the original case report.

- A CSI member shall then check the item(s) out of the PECS and transport same to the DOJ Regional Laboratory for analysis.
- When a case is assigned for follow-up investigation, only the assigned investigator or his/her designee shall request a DOJ examination.
- The DOJ Laboratory will provide the results of the analysis to the requestor in writing.

X. **Evidence Requiring Special Processing**

Members who wish to have an item of evidence processed in a special manner (e.g., chemical processing for latent prints, number restoration, etc.) shall:

- Enter the item(s) in FileOnQ, Deliver the item(s), any packaging container(s), and label(s) to the CSI;
- Complete a Request for Identification Services Form specifying the type of processing requested; and
- Specify in their police report any special processing requested (e.g., finger printing, document or DNA processing, etc.).

When CSI members are unavailable, or when there is insufficient temporary storage space for the evidence, members shall book the item into the PECS with a copy of the completed request form and forward the original request form to CSI.

The CSI member who conducts the processing shall prepare a FR describing the results of the processing and the disposition of the evidence.

Y. **Right of Refusal for Booked Property/Evidence**

PECS will refuse incorrectly booked property/evidence. When property/evidence is booked incorrectly, the PECS supervisor may be notified and, depending on the severity of the error(s), the following actions may occur:
• The PECS Supervisor or Property Tech will review the problem and contact the person by phone or email who booked the item to make arrangements to have the item booked properly.
• PECS personnel will store the item(s) needing correction in a separate location until the contacted member responds to make the corrections.
• Contacted members shall respond no later than their next work day or when PECS is open next to make the correction(s). Members consistently working during PECS closed hours will need to flex their work schedule to make the correction(s) during PECS open hours.

Z. Investigators Responsibilities
Investigators shall:
• When contacted by person(s) wanting a release of property/evidence:
  o Determine the status of the case, (i.e., Dismissed, on Appeal, FTA);
  o Identify the rightful owner(s) of the property/evidence;
  o Decide if property/evidence can be released; and
  o Advise PECS if the property can be released by appropriate notations in FileOnQ.
• If approved for release, the investigator shall complete the release information in FileOnQ for the individual items, or by Request Monitor for multiple items. The Return to Owner Listed box shall be checked and the owner’s information completed in the Owner section. The Save button shall be clicked to save the entry;
• Review their assigned cases that are sent to their unit weekly by FileOnQ and determine if property/evidence may be disposed of using the following guidelines:
  o Cases with property/evidence that have been adjudicated, 90 days past sentencing has lapsed, and no appeals filed;
  o Cases with property/evidence that have been NCF’d with no charges to be re-filed;
  o Cases with property/evidence that have been unfounded; and
  o Cases with property/evidence that have been suspended with no further investigation.
• When a determination has been made to release or dispose of property or evidence, investigators shall make every attempt to identify all property and evidence associated with the case and clear all evidence for release.

AA. Report Documentation by Members
When members book property, they shall note in their report the reason(s) why the item(s) was booked to facilitate later case review and evidence disposal.

When booking cell phones, members should describe in their report the reason(s) for booking the phone and the necessity for keeping it as ‘EVIDENCE’ to facilitate later case review. When cell phones or their contents have no evidentiary value, they should not be booked as evidence. Members shall ensure that cell phones are turned off before booking them.

When booking bicycles as evidence, members should describe in their report the reason(s) for booking the bicycle and the necessity for keeping it as evidence to facilitate later case review. When bicycles are found at crime scenes and they are of no evidentiary value in the case (e.g., owner unknown, processed for prints/DNA with negative results, etc.) they should be booked as ‘FOUND’ and not evidence.

AB. Discretion with Booking Items
When items are not anticipated to be needed for court procedures (i.e., suspect not cited or arrested and the case will not be submitted to the DA for consideration of prosecution), members should use discretion when considering whether to book an item. The necessity for keeping an item and any evidentiary value in the item should also be considered when determining whether to book an item.
This procedure provides guidelines for the collection and storage of digital photographic evidence. This procedure is intended to ensure the integrity and security of digital photographic evidence, to include proper processing, storage, distribution, control and dissemination practices.

A. **INTENDED PURPOSE OF DIGITAL IMAGES**

Digital photography is to be used by the Fresno Police Department for the following purposes:

- To create a visual record of evidence by documenting crimes scenes, including, but not limited to injuries, damaged items, stolen/recovered property, etc; and
- The capture and storage of images depicting latent fingerprints, trace evidence and other objects of an evidentiary nature, for comparison or analysis purposes.

The use of digital photography by field and investigations personnel is intended to document evidence in non-technical cases where the expertise of CSI personnel is not required.

**PHOTOGRAPHIC EVIDENCE HANDLING - GENERAL**

Digital images for evidentiary purposes should only be taken with a Department issued camera or tablet. Images captured with a digital camera or tablet are considered original images and are equivalent to a negative in film based photography. Non-CSI digital cameras and tablets should be set at the highest resolution allowed.

Under no circumstances may digital images be deleted in the field. All photographs taken will be preserved regardless of quality, composition or relevance. The contents of any non-department issued device (personal cell phone, camera, etc.) used to take evidentiary photographs may be subject to disclosure and examination pursuant to a court order.

All photographs of evidence or of a crime scene taken in the field shall be part of the case file which is provided to the District Attorney’s Office for prosecution purposes.

**LATENT FINGERPRINTS AND OTHER TRACE EVIDENCE**

Photographs of fingerprints and trace evidence for analysis shall be taken by CSI 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.

B. **PHOTOGRAPHIC PROCEDURES**

Prior to taking evidence photographs in a case, the member shall write the following in large print on a 3X5 size card:

- Case number;
- Crime type;
- Date and time;
- Camera number; and
- Name and badge number of the member taking photographs.

A close up photograph of the above described “case ID card” shall be taken at the beginning of each series of photographs for every case. The card’s image should fill the camera’s view frame. Photographs of a close-up nature should include a ruler or other appropriate item to establish a reference scale.
C. RESPONSE FOR EVIDENTIARY PHOTOGRAPHS

Investigations requiring the response of a CSI technician include the following:

- Homicides, attempt homicides and suspicious deaths;
- Officer involved shootings;
- Rapes; ADW’s; robberies; gun violence
- Kidnappings (where a possibility of evidence exists);
- Bombings;
- Fatal or probable fatal vehicle accidents;
- Aircraft accidents; and
- Incidents where there is a probability of future litigation against the City.

CSI should also be used for taking evidentiary photos, and processing crime scenes, under the following circumstances:

- When officers have used force against an individual (injuries or lack of injuries);
- Crimes of violence involving weapons, including ADW, PC 246, etc. (e.g. for collection of shell casings, expended rounds, or edged weapons containing blood evidence);
- Crimes resulting in significant injury or hospitalization;
- Sexual assault with visible injury;
- Child abuse with visible injury;
- Injuries of a sensitive nature;
- Commercial or home invasion robbery;
- Situations in which a personnel complaint has been made or appears likely to be made; and
- City vehicle involved collisions; and
- When requested by a sergeant.

Circumstances under which CSI shall respond for photographs include:

- Incidents of domestic violence involving strangulation; and
- Child neglect cases resulting from unsanitary conditions in the household.

Non-CSI members assigned a Department camera or tablet are responsible for taking photographs of evidence related to:

- Property crimes (vandalism, burglary, etc);
- Injuries of a non-sensitive nature, such as obvious bruises, scrapes, cuts, etc., that are the result of domestic violence or other assault;
- Contraband (narcotics, illegally possessed weapons, etc.);
- Recovered property prior to release; and
- Photographs intended to demonstrate lack of injury (not related to use of force by officers).

Investigating members, who request a CSI technician for the purpose of taking photographs in incidents not listed above, shall retain the responsibility for the latent print processing as well as the collection and booking of any other evidence at the scene.

When members are unsure whether or not CSI should respond for photographs, they should contact their immediate supervisor. The supervisor should contact the on-duty CSI supervisor to discuss the circumstances involved and determine the appropriate response.

When CSI responds to crime scenes that require processing for evidence (latent prints, blood samples, etc.), CSI should also take any required evidentiary photographs.

Any crime scenes that require video recording should be handled by CSI. Non-CSI personnel should not utilize their cameras or tablets for video recording of crime scenes. Refer to Procedure §450 for guidelines on digital recordings.
D. STORAGE OF DIGITAL IMAGES
Digital images captured in relation to an investigation shall be uploaded into the Digital Media Management System (DMMS) via RPW. No photographic images will be enhanced, altered or modified prior to entry into DMMS. All photographs taken in the field regardless of evidentiary value shall be downloaded into DMMS and documented in the member’s police report.

Under no circumstances should original digital photographs be stored on an employee’s Department assigned or personal computer. Digital images may be stored temporarily on a desktop computer to facilitate the process of uploading them into DMMS. Digital copies of evidentiary photographs should not be stored on any shared computers after they have been successfully uploaded into DMMS.

All evidentiary photographs shall be uploaded into DMMS before the end of the member’s shift. Prior to deleting any digital images from the camera, members shall verify they were uploaded successfully into the DMMS system. Department personnel using digital photography for evidentiary purposes will document the collection and storage of the photographs in a police report.

Digital photographs may be stored on archival quality CD’s and booked into Property and Evidence when a member is unable to successfully upload them into DMMS. When digital photographs are booked into evidence, it shall be documented in the member’s police report. Refer to Appendix D for instructions on uploading tablet digital images into DMMS.

E. MEMBERS ASSIGNED DIGITAL CAMERAS AND/OR TABLETS
Members assigned digital cameras or tablets should take evidentiary photographs during their own investigations, as well as investigations they assist with, provided they meet the criteria for non-CSI response. Members assigned digital cameras or tablets may volunteer to assist other personnel by taking evidentiary photographs for them, but should not be required to respond solely for the purpose of photographs, unless directed by a supervisor. Members will be required to document the collection and storage of evidentiary photographs in a supplemental report when they are not the primary investigator.

Photographs which have been downloaded and/or emailed to a supervisor to be used for the Fresno Police Department Facebook page or End of Watch Report shall be identical to those photographs that were downloaded into DMMS.

F. REFERENCES
Procedure §406 - Crime Scenes and Major Incidents
Procedure §450 – Use of Recording Devices
A. **Officer’s Duties at the Street Violence Bureau (SVB) Temporary Holding Cells**

**Secure Detention of Juveniles**
Juveniles requiring secure detention shall be placed in the temporary holding cells located in the Street Violence Bureau Detective offices. Officers shall retrieve the key to the temporary holding cells and the secure detention log from the SVB Night Detective Office.

Officers will be responsible for the following:
- Completion of all appropriate entries on the detention log;
- Maintaining constant auditory contact with any juvenile;
- Performing random visual checks of any person detained within a cell at least once every 30 minutes (which must be noted by officers writing their initials on the log);
- Ensuring that juveniles are not detained longer than six hours for any reason;
- Restricting contact between juveniles and adults in accordance with WIC §208; and
- Informing the juvenile of the reason for secure detention and the expected length of the detention.

Officers shall provide written justification in their police report when they place a juvenile in secure detention.

B. **Officer’s Duties at the SVB Interview Rooms**

**Interviews / Interrogations**
Prior to conducting an interview / interrogation, officers shall ensure that only those items necessary to safely conduct the interview / interrogation remain inside the location. In-custody suspects shall be secured to the restraint devices installed in the interview room. In-custody suspect interviews/interrogations shall not be conducted in the Homicide Unit.

To prevent the appearance of a coercive effect during lengthy interviews, officers conducting interviews should:
- Provide reasonable breaks as needed;
- Provide water and/or food as appropriate; and
- Inform the interviewee that he/she has access to restrooms and water if needed.

When the interview will last over three (3) hours, officers shall provide food if requested.

**Security Concerns**
Assisting officers shall monitor all interviews for security and safety unless there are two interrogators present during the interview. Due to the size of the interview rooms and for security purposes, it is recommended that only a total of three persons be in the room while conducting the interview. If there is a need to have more people assisting with the interview, (e.g., interpreters) then a larger room will be used. Members shall frequently monitor any unattended detainees / interviewees that are secured within an Interview Room.

C. **Members’ Duties at the Crime Scene Investigation Section (CSIS) Temporary Holding Cells**

Any in-custody prisoner transported to the CSIS shall remain under the control and supervision of the arresting/transporting officer until the prisoner is released from custody or transported to FCJ. Any prisoner brought into the CSIS for identification verification or processing purposes shall be accompanied by a minimum of two personnel. This includes sworn officers, Cadet II’s, or Criminology 108 Reserves. Both personnel shall remain with the prisoner at all times during the identification
process to provide prisoner security for Identification personnel and Department members. While at CSIS the officer’s duties shall include:

- Documenting the reason, date/time in and out of the facility, and any meals provided;
- Maintaining constant supervision of prisoners within the CSIS;
- Maintaining control of unruly or combative prisoners as necessary to prevent physical harm to themselves or others;
- Walking the prisoner through the stationary metal detector located in the holding cell area;
- Visually inspect prisoners every 30 minutes for signs or symptoms which would result in the need for immediate medical or mental health attention and document observation time and initial on the Fresno Police Department Adult Prisoner Log;
- Visually inspect all cells both prior to placement and after removal of a prisoner from a cell;
- Ensure persons entering the CSIS are in compliance with weapons restrictions; and
- Ensure that prisoner property is properly disposed of (e.g., returned to prisoner after being cited or released, accompanies prisoner to FCJ, etc.)

Members transporting prisoners from FCJ to HQ at the request of Detectives shall take the prisoner directly to the temporary holding cells located on the ground floor near the SVB work area and interview rooms.

In-Custody Health Screening Questions
The following questions shall be asked by the member completing the arrest report to determine an arrestee’s need for medical / mental health assistance.

1. Are you currently sick or under a doctor’s care?
   - Evaluate for emergency medical needs. Note responses on the arrest details portion of the arrest tag and notify CSIS and jail personnel.

2. Do you have any communicable diseases such as Tuberculosis or Hepatitis?
   - If ‘yes’, note responses on the arrest details portion of the arrest tag and notify CSIS and jail personnel.

3. Do you have lice, crabs, or scabies?
   - If ‘yes’, note responses on the arrest details portion of the arrest tag and notify CSIS and jail personnel.

4. Do you feel like harming yourself?
   - Carefully evaluate need for WIC 5150 using observations and subject’s response (see Suicide Prevention below for details).

5. Have you ever been diagnosed as being developmentally disabled?
   - If "yes", note responses on the arrest details portion of the arrest tag and notify CSIS and jail personnel.

Emergency First-Aid
Department approved first-aid kits shall be available for use in the CSIS. CSIS personnel will inspect and maintain first-aid kits and replenish supplies as needed.

Suicide Prevention of Arrestees in Custody
The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the arrestee is a suicide risk.

The officer shall notify a supervisor if he/she believes the arrestee may be a suicide risk. The officer will arrange for transportation to a mental health facility for evaluation or to FCJ and arrange for the booking of the arrestee, providing the arrestee meets the intake criteria. The arrestee shall be under constant supervision until the transfer is completed.

D. **Arrestee Phone Calls**
Both juvenile and adult arrestees have the right to make telephone calls prior to booking under the provisions of **PC §851.5.** Refer to **Procedure §§355 – Custody of Adults and 324 – Temporary Custody**
of Juveniles for additional requirements. The right of arrestees to make phone calls is also referenced in RCTB 13-08.

E. **Use of Restraint Devices**

Arresting officers shall use only those restraining devices authorized by policy when deemed necessary for the safety of the arrestee and/or members. When safe or practical, restraint devices should be removed while prisoners are secured in a temporary holding cell, to allow freedom of movement within the cell. Arrestees with leg restraint devices applied shall be monitored for signs/symptoms of positional asphyxia as referenced in RCTB 99-14.
A. **Male Prisoners**

Male prisoners shall be transported in security vehicles to the extent it is practical.

It is permissible to utilize transportation wagons/vans when:
- There are multiple prisoners,
- When the prisoner is violent,
- When the prisoner is extremely dirty, or
- Approved by the On-Duty Supervisor responsible for the transportation wagons/vehicles.

**Note:** When any arrest is made, it will be the responsibility of the arresting member to standby with their prisoner once delivered to FCJ/JJC, unless alternate arrangements are made / authorized by the On-Duty Supervisor responsible for the transportation wagons/vehicles.

B. **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.

Male Department members transporting females (prisoners and non-prisoners alike) shall, prior to moving their vehicle from the location of the pick up, give the ESD a mileage check and receive a time check as acknowledgment. On arrival at their destination, the transporting member shall give the ESD the arrival mileage and shall be acknowledged with an arrival time check.

C. **Juvenile Prisoners**

The same guidelines listed in this procedure which govern the transportation of adult prisoners shall apply to the transportation of juvenile prisoners.

D. **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 Procedure §455

E. **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.

**Exception:** Combinations of related prisoners such as father/daughter, mother/son, husband/wife, boyfriend/girlfriend, brother/sister, etc., may be transported together when they were together at the same incident leading to their arrests.

F. **Restraint of Prisoners**

Handcuffs
Refer to Procedure §306.

**Leg Restraint (i.e. “RIPP” Hobble Restraint)**
Refer to Procedure §306.
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 Procedure Manual §306.

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 Procedure Manual §306.

Seatbelts
All prisoners shall wear available safety restraints while the vehicle is in motion unless physical conditions would prevent such from being applied.

G. Member / Prisoner Separation
For safety reasons and to reduce escape attempts, prisoners shall not be transported in the front of a prisoner transport vehicle (e.g. patrol unit or transportation wagon/van).

All prisoners shall be secured behind the prisoner safety barrier which separates the prisoners from the transporting Department member(s).

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.)

A prisoner may only be transported in the rear passenger seat of an uncaged vehicle (e.g. plain vehicle) when another sworn member is sitting next to the prisoner and there is no other practical mode of transportation.

H. Vehicle Inspection
Department members assigned to prisoner transportation duties shall inspect prisoner transportation vehicles for weapons, contraband, and evidence, prior to transporting any prisoners and after transporting any prisoner.

I. Search & Admonishment of Prisoner(s) Prior to Transport
Extreme care will be used in the search incident to arrest of a person before placing the person in a police vehicle. Absent exigent circumstances, members shall utilize a Department issued metal detecting wand to search all prisoners prior to placing them in a police vehicle. When practical, members shall provide an admonition to prisoners advising them that they will be charged with a felony if they take a weapon into a jail facility. The search and admonition should be recorded with a body camera when feasible.

Members receiving custody of a prisoner from another member/agency shall thoroughly search the prisoner before placing him/her in a transportation wagon/van or a patrol unit.

J. Transporting Prisoners Without Delay
Members transporting prisoners shall:
• Proceed directly to their destination as soon as circumstances allow;
• Not engage in traffic pursuits, make traffic stops, or respond to any calls except other transportation calls;
• Not make unscheduled stops during the prisoner transport, except in those emergency situations which require immediate police action; and
• Deliver them to their appropriate destination as soon as practicable.
When the transporting member identifies a situation necessitating police action, he/she shall notify ComCen of the problem.

K. **Responsibility During Transport / Delivery of Prisoners**

Personal property belonging to a prisoner which is not booked as evidence shall be taken from him/her by the arresting officer or his/her designee at the time of arrest and prior to transportation. Additionally:

- This property shall be put in a prisoner property envelope.
- A prisoner’s money shall be placed in a prisoner money envelope.
- The spaces on the envelopes shall be thoroughly completed, including the arrestee’s signature.
- When an arrestee refuses to sign the envelope, the member shall write Refused To Sign on the signature line.
- The envelopes shall be delivered to the FCJ booking officer.

Any property belonging to an arrestee that is not accepted by the FCJ booking officer shall be booked into the PECS.

- Members booking property from a prisoner into the PECS shall give a copy of the Property for Safe Keeping Receipt to the prisoner before he/she is booked.

A brief description of all property removed from the suspect shall be included in the Arrest Report.

L. **Parking on Ramp**

Department vehicles SHALL NOT be parked along the ramp entrance or adjacent to the trash receptacles during 0500-0630 hours daily.

During all other times, members may park their vehicles on the ramp temporarily when engaged in the delivery/pick up of prisoners, when booking evidence, or obtaining equipment and/or supplies from the PECS.

M. **Delivery of Prisoners to HQ**

Members and authorized persons who have access to temporary holding cells shall secure all firearms and edged weapons in the secured lock boxes in the fenced area of the Prisoner Processing Section or in the SVB prior to entering.

When members are transporting prisoners to HQ, the ramp entrance to the Prisoner Processing Section shall be used.

- All prisoners shall be detained in the temporary holding cells until they are processed or delivered directly to the custody of a detective.
- The back (West) stairway shall be used to move prisoners from Prisoner Processing to HQ detective's offices.

N. **Search of Prisoner(s) at HQ/Prisoner Processing**

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 Prisoner Processing, he/she shall be placed into a temporary holding cell.

O. **Identification of Transported Prisoner(s)**

Prior to transferring prisoners from Prisoner Processing to FCJ/JJC, transporting members shall make every attempt to affirm the prisoner’s proper identity, and ensure that the AR/JAR is completed. Proper identification will be verified by:

- Prisoners verbally providing their identity;
- The physical appearance of prisoners being the same as the physical description in RMS;
- The photo ID from a prisoner's property matches the prisoner;
- The mug photo matches the prisoner; or
- Identification by the arresting member or Crime Scene Investigation Section personnel who processed the prisoner.

Where practical, multiple steps to identify a prisoner should be utilized prior to releasing or transferring them to FCJ/JJC. Transporting members shall also ensure that the prisoner processing, where appropriate, has been completed.

When transporting a prisoner from another agency to a Fresno Police Department facility, the transporting member will attempt to confirm the identity of the prisoner with the agency personnel releasing the prisoner to their custody prior to transport.

P. **Prisoner Transports to FCJ/JJC**
When a Department member transports a prisoner(s) to FCJ/JJC, they will be responsible for the safety and security of the prisoner(s) until they are turned over to the receiving agency. Upon arrival at the receiving agency, Department members will:
- Secure their firearm and other weapons where required in an authorized gun locker;
- Remove the restraining devices only after prisoner is secured in the facility but prior to placing them in a holding cell;
- Provide the receiving agency with required report forms, arrest records, medical records when appropriate, and court documents; and
- Advise the receiving agency of any medical hazards and security risk or escape potential.

**Disruptive/Combative Prisoners Inside FCJ/JJC**
When encountering a prisoner who becomes disruptive / combative towards officers or other prisoners during the booking process, members shall request immediate processing for the prisoner from Jail staff. For officer safety and civil liability reasons, absent an emergency circumstance, members shall not utilize unmonitored rooms, such as the Intoxilyzer Room, to separate combative or disruptive prisoners.

Q. **Prisoner Escapes**
When a prisoner escapes custody during transportation the Department member will:
- Immediately notify ComCen providing a description, location and direction of travel and any other information necessary for a search for the prisoner and any accomplices;
- Notify a field supervisor; and
- Take reasonable steps to locate the prisoner including, but not limited to:
  - Assignment of appropriate perimeter positions;
  - An organized search in the immediate area; and
  - Request assistance from K-9 units and air support where available.

**Escape Reporting Requirements**
When the escape is accomplished subsequent to an arrest for which a crime report will be completed, the details will be included in the original report.

When the escape is accomplished during transport after the original report has been completed, a Supplemental Report will be completed to include the details of the escape.

If, at any time, a member has knowledge that a particular prisoner is a security risk, in that the prisoner may attempt to escape custody, a note such as “Security Risk” shall be written on the AR or JAR above the form heading.
- Department members shall also verbally inform the receiving personnel of the escape or security risk.
R. **Sick or Injured Prisoners**

Members transporting prisoners who require medical attention will transport the prisoner to Community Regional Medical Center (CRMC) for treatment.

Upon arrival at FCJ members shall provide a complete synopsis of the circumstances surrounding the arrest to the pre-book nurse.

- In some cases, contrary to the prisoner’s refusal to accept medical treatment, the nurse may require the Department member to transport the prisoner to CRMC prior to booking.

**Special Needs Transportations Situations**

Prisoners with special needs such as non-ambulatory prisoners, limited ambulatory prisoners (e.g. those utilizing crutches), prisoners utilizing wheel chairs, special medical treatment needs, or other special circumstances shall be brought to the attention of a field supervisor. Where warranted, EMS may respond to assist in these special circumstances where transportation in a patrol wagon/van or patrol vehicle creates an unreasonable risk of harm to the person being transported.
A. **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 identity or expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, or veteran status.

B. **Annual Evaluation Due Dates**
Performance evaluations are required annually or quarterly for all Fresno Police Department members. Performance evaluations shall be completed by the member’s supervisor and submitted to the District Commander/Bureau Manager within 30 days of the due date. The due dates for evaluations are as follow:

- **Probationary** - All sworn and non-sworn members shall have quarterly evaluations;
- **Non-Sworn** – Non-sworn members shall have evaluations annually, based on their hire date/promotion;
- **Recruit Police Officer** – An evaluation is required at the end of the recruit status so the recruit can be promoted to police officer (probationary). This is generally twelve months after date of hire. The evaluation should state if promotion is recommended;
- **Sworn** – All sworn members, except staff, shall have annual evaluations due upon the ending date of the Matrix period;
- **Management** – All sworn staff (except Deputy Chiefs) shall have annual evaluations due after April 30th. Deputy Chiefs are due after December 31st. Non-sworn management personnel are due after their hire/promotion date.

C. **Exit Evaluations**
When a member changes assignment resulting in a new supervisor more than 90 days before the end of a rating period, that member’s current supervisor shall complete an exit evaluation for the partial rating period. Similarly, when a supervisor changes assignment more than 90 days before the end of a rating period, the supervisor is required to complete exit evaluations on all personnel assigned to him/her at the time of his/her reassignment. Complete annual evaluations shall be completed by the assigned supervisor for all assigned personnel when a change of assignment occurs 90 days or less from the end of the rating period. All required exit evaluations shall be completed by the member's supervisor within 30 days of the member’s or supervisor’s change in assignment.

**Reserve Officer Evaluations**
Reserve officer evaluations are required annually or quarterly for probationary reserve officers.

D. **Personnel Bureau Responsibility**
Once an evaluation has been completed and issued to the member, the original shall be sent to the Personnel Bureau within five days of signing by the last approving staff member. The Personnel Bureau will maintain a personnel database which includes the date the performance evaluation was issued. The Personnel Bureau will provide District Commanders/Bureau Managers with a quarterly list of evaluation due dates for recruit officers, probationary members, and non-sworn members. The Personnel Bureau will conduct regular compliance checks to ensure evaluations are submitted by the deadlines established in this order. Should the Personnel Bureau fail to receive an evaluation by its due date the affected District Commander/Bureau Manager will be so notified.
E. **Rater Responsibilities**

All raters shall receive initial training in performance evaluations, as provided within Departmental supervisory orientations, formalized training courses, and/or in-service training, prior to completing their first performance evaluation. Once the training is received, the rater shall:

- Conduct a driver’s license status check via CLETS for those members where driving is a requirement of their job (as allowed in Section 1.6.1(B) of the CLETS Policies, Practices, and Procedures);
- Review the performance evaluation with the member being evaluated. This review should include, but is not limited to, the following:
  - Results of the performance evaluation;
  - Performance expectations and rating goals and/or objectives for the next rating period; and
  - Where appropriate or requested, career counseling to include individual career plans for advancement, specialization, and training;
- Provide the member being rated an opportunity to sign the performance evaluation and to make comments as part of the official record of the evaluation;
- Ensure all performance evaluations are reviewed and signed, at a minimum, by the rater’s immediate supervisor; and
- Provide the evaluated member with a copy of the completed, signed, and reviewed evaluation;
- Not include any specific references to Letter(s) of Counseling (LOC) or Documented Oral Reprimand(s) (DOR) received by the employee during the evaluation period. The rater may describe the conduct that resulted in corrective action and indicate that corrective action was taken, but shall not reference the specific type of corrective action taken (e.g. LOC, DOR or Supervisory Observation Log entry).

F. **Evaluation Format**

Evaluation formats are based upon the member’s job classification. The criteria used for performance evaluations shall be specific to the assignment(s) of the member during the rating period. Copies of the proper evaluation forms may be accessed through the Department’s electronic library.

**Explanatory Comments**

The rater shall provide explanatory comments to substantiate performance ratings which are unsatisfactory or outstanding. The explanatory comments should include specific examples of observed or reported behavior of the member being rated during the period covered by the evaluation.

G. **Pre-Evaluation Required Notifications**

Less than satisfactory performances by a member should be brought to the attention of that member. Where a member’s performance could result in a less than satisfactory rating on their performance evaluation, a written notice of the unsatisfactory or needs improvement performance shall be given to the member. This written notice shall describe the less than satisfactory performance and what actions should be taken to improve the member’s performance. The written notice may be in the form of a memo, Supervisor’s Observation Log, formal discipline, or other appropriate means.

**Non-Probationary Employees**

Less than satisfactory performance ratings may only be included in a performance evaluation when:

- The member receiving the less than satisfactory performance rating was given written notice, as defined above, of the deficiency at least 90 days prior to the rated member’s evaluation date, or
- The less than satisfactory performance occurs less than 90 days from when an evaluation is due and would result in an unsatisfactory/needs improvement rating for the rating period. Under these circumstances, the required written notice shall be delivered to the member as soon as possible after the less than satisfactory performance is identified.

Supervisors shall be responsible for knowing the annual evaluation dates for all subordinates and for calculating the 90 day notice date for each member.
Probationary Employees

Probationary members shall receive a performance evaluation every quarter. The required written notice shall be delivered to the probationary member as soon as possible after the less than satisfactory performance is identified. The 90 day notice requirement shall not apply to probationary members.

H. Performance Evaluation Appeal Process

When a member disagrees with the performance evaluation, that member may prepare and attach to the evaluation a written memorandum outlining the reason(s) for the disagreement. This attachment shall be submitted by the member to the rater within 30 calendar days of the member receiving the evaluation. This memorandum will be forwarded through the chain of command to the Division Commander for consideration.

I. Rater Evaluations

Supervisors and management staff shall be evaluated on the objectivity, accuracy, timeliness, and overall quality of ratings for performance evaluations they prepare. This information shall be included in their performance evaluation under supervisory performance.
A. **Procedure**

If the affected member(s) is(are) under a Memorandum of Understanding (MOU) containing a section for grievances, then all applicable guidelines shall apply. If no applicable MOU is in place, the Fresno Municipal Code § 2-1917 shall apply.

If a member believes that he or she has a grievance as defined above, then that member shall observe the following procedure:

- Attempt to resolve the issue through informal discussion with his/her immediate supervisor;
- A grievance must be initiated within fifteen days after the member first knew or should have known of a grievable action or event. If the initiation of the grievance does not occur within fifteen days, the grievance is void;
- If the grievance cannot be settled by the immediate supervisor, the member may attempt to resolve the grievance with the next level of supervision, following the chain of command of the affected member;
- If a successful resolution is not found with the District, Bureau or Division Commander, the member may request a meeting with the Deputy Chief of Police;
- If the member and the Deputy Chief are unable to arrive at a mutual solution, then the member shall proceed as follows:
  - Within ten (10) calendar days of the last day of the informal process, the member will submit in writing a written statement of the grievance and deliver one copy to the Chief of Police and another copy to the immediate supervisor and include the following information:
    - The basis for the grievance (i.e., the facts of the case) including the specific rule, regulation, policy, practice, or MOU provision violated;
    - Allegation of the specific wrongful act and the harm done; and
    - What the member would like to accomplish from the grievance.
  - The member shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt; and
  - The Chief of Police will receive the grievance in writing. The Chief of Police and City Manager will review and analyze the facts or allegations and respond to the member within 14 calendar days.
    - The response will be in writing, and will affirm or deny the allegations.
    - The response shall include any remedies if appropriate. The decision of the City Manager is considered final.

B. **Employee Representation**

Members are entitled to have representation during the grievance process. The representative may be selected by the member from the appropriate employee bargaining group.

C. **Grievance Records**

At the conclusion of the grievance process, all documents pertaining to the process shall be dispensed as outlined in the applicable MOU or as outlined in FMC § 2-1917.

D. **Labor Relations**

Labor Relations is a division of the City’s Personnel Services Department and is responsible for the coordination of grievance procedures and the control and maintenance of grievance records.

The forms necessary for filing a grievance are available at Labor Relations as well as the Personnel Bureau in the Administrative Services Division.
A. **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).

The Confidential Report includes the names of persons involved in the underlying incident and type of exposure. The Confidential Report shall be in addition to any other reports related to the underlying incident (Penal Code §7510).

B. **Supervisory Responsibility**
Upon exposure of a member to blood or body fluids or possible exposure to a reportable disease (i.e., HIV, Hepatitis C, etc), supervisors shall:

- Ensure that members receive proper medical care for the exposure injury, including communicable disease counseling;
- Have the confidential "Communicable Disease Exposure Report" prepared,
  - Ensure the treating physician completes Section II of the form, if applicable;
  - Ensure the member has signed the completed form;
  - The above form shall be submitted/faxed to the Department of Community Health, Communicable Disease Investigation office, by the end of the shift during which the incident occurred;
  - Forward the form to the Workers' Compensation Coordinator in the Personnel Bureau; and
- Complete a Confidential Unusual Occurrence Report;

Members receiving treatment at the scene by EMS personnel, that do not require treatment at a hospital, may respond to the contracted Worker's Compensation Walk-in Clinic or the appropriate hospital after hours to obtain a blood test. The clinic/hospital will forward the results to the County Health Department who will contact the member with the results.
CONFIDENTIAL
DEPARTMENT OF COMMUNITY HEALTH
Communicable Disease Exposure Report

Reporting Procedure

County employees, pre-hospital care providers, firefighters, peace officers, and lifeguards who believe they have been exposed to blood, body fluids, or a disease shall:

1. Report the exposure to the receiving facility
2. Follow your employing agency’s reporting procedures
3. Complete SECTION I (All that apply to you)
4. IMMEDIATELY report exposure to the Department of Community Health, Communicable Disease Investigation. Normal business hours (Mon-Fri, 8 am to 5 pm) telephone 559 445-3569. Nights, weekends, and holidays telephone 559 488-3111 and ask for the on-call Fresno Emergency Response Team member
5. If you require medical attention, having treating physician complete Section II
6. Fax report to 559 445-3255 OR send report within 24 hours to:

Fresno County Department of Community Health
Communicable Disease Investigations
PO Box 11867
Fresno, CA 93775

SECTION I
(Complete all in SECTION I that apply to you)

Person Exposed
Name ___________________________ Date of exposure ________________ Time of exposure ________________
Work Phone ____________________ Cell Phone _______________ Home Phone ________________
Employer ______________________ DISPATCH / CASE # ___________ PCR # ___________ Address/Location of exposure ________________________________
Other agencies present ___________ Patient/Suspect Information
Name _________________________ Male ___ Female ___ Age ______ Date of birth ____________
Address ________________________ Apt # ______ City ______ State ______ Phone __________
Patient destination ________________ Hospital/Booking # ___________ Case # ___________

Type of Exposure
☐ Blood ☐ Body Fluid ☐ Respiratory Illness ☐ Other __________________________

Briefly Describe Incident

_____________________________________________________________________
_____________________________________________________________________

Signature of Designated Officer / Designee: ______________________________________

SECTION II
(This section is for the treating physician to complete)

Treatment & Testing Guidelines

1. Hepatitis B (HBIG) if no prior infection or vaccine
2. Baseline Hepatitis C
3. Tetanus, if last shot was more than ten (10) years ago
4. Testing for HIV - If no HIV testing available at your facility, you can refer the patient to the Fresno County Department of Community Health’s Specialty Clinic at 559 445-3416, to begin the testing process

IMMEDIATELY report exposure to the Department of Community Health, Communicable Disease Investigation office. Normal business hours (Mon-Fri, 8 am to 5 pm) telephone 559 445-3569. Nights, weekends, and holidays telephone 559 488-3111 and ask for the on-call Fresno Emergency Response Team member

Services rendered by Treating Physician: ______________________________________

Treating Physician Signature _______________________________________________

Exposure Response from CD I Staff: ☐ No Exposure/No follow Up ☐ Unable to contact exposed to verify if exposure occurred ☐ True Exposure – Follow up to be done at: __________________________

Recommendations _________________________________________________________

Health Department Representative Signature ___________________________________

YMC-M g: Exposure Report.dot Updated February 20, 2008
FRESNO/KINGS/MADERA
EMERGENCY MEDICAL SERVICES

Exposure To Blood and/or Body Fluids
If you provided emergency medical care for a patient and suspect that you may have been exposed to the patient's blood and/or body fluids, as identified on the reverse side of this card, you should consider the possibility of your being exposed to a communicable disease. For information about communicable disease exposures, you should contact the Communicable Disease Division of the Fresno County HSS/Department of Community Health (see reverse side for telephone number).

An exposure to a communicable disease may exist when one or more of the following occur:
1. Patient blood and/or body fluid in your eyes, nose, or mouth.
2. Patient blood and/or body fluid exposed to an open wound.
3. Mouth to mouth resuscitation.
4. Needle stick or puncture wound (including human bites).

Fresno County HSS/Department of Community Health
Communicable Disease Division
Normal Business Hours ......................... 445-3569
Nights, Weekends, and Holidays .............. 488-3111
(Ask for the on-call Emergency Response Team member)

Una persona pudo ser expuesta a enfermedades comunicables cuando uno o más de lo siguiente ocurrió:
1. La sangre del paciente y/o fluidos del cuerpo fueron expuestos a sus ojos, naris, o boca.
2. La sangre del paciente y/o fluidos del cuerpo fueron expuestos a una herida abierta.
3. Pique de avuja/ herida de pique (incluyendo mordidas humanas).
4. Resucitacion de boca a boca.

Condado de Fresno Departamento de Salud para la Comunidad
División de Enfermedades Comunicables
Horas Normales de oficina........................... 445-3569
Noches, Fines de Semana y Dias de Fiesta. 488-3111
(pregunte por miembro del equipo que responde a las emergencias)
A. **Reporting Procedure**

All members of this Department and all retired officers with a CCW endorsement shall promptly (within 24 hours) notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All sworn employees and all retired officers with a CCW endorsement shall further promptly (within 24 hours) notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this procedure shall be subject to discipline.

B. **Procedure for Relief**

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 12021 will not relieve one of the restrictions imposed by federal law.

Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee’s own resources and on the employee’s own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee’s duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.
A. General Guidelines
Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify their supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

Use of Medications
Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department, including an employee’s personal vehicle used for City business, while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Use of Marijuana
Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

B. Member Responsibilities
Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103) except in the performance of a supervised special assignment. Members who consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance. The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members shall not ingest any substance that may impair the member’s physical or mental capabilities while on duty or less than four hours prior to reporting for duty without express permission of a supervisor. Such substances shall include prescription or nonprescription drugs, alcohol, inhalants, etc.

Members are specifically prohibited from reporting for duty with the odor of any alcoholic beverage on their breath.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available.
A. **Employee Assistance Program**
Members who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through the Employee Assistance Programs or their insurance provider.

It is the responsibility of each member to seek assistance before alcohol or drug problems lead to performance problems.

B. **Work Restrictions**
If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

C. **Confidentiality**
The Department recognizes the confidentiality and privacy due members, and disclosure of any information relating to chemical abuse treatment, except on a need to know basis, shall only be with the expressed written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

D. **Compliance With The Drug-Free Workplace Act**
No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

E. **Testing Requirements**
Sworn members of the Department (excluding probationary employees) may be required to submit to drug testing under particular circumstances as outlined in the members applicable MOU.

In addition to any testing requirements as described in the applicable MOU, members may be subject to the “Identification and Consent Procedures” outlined in Administrative Order § 2-25.
A. **Time Off**  
Employees shall be allowed to take time off in accordance with their applicable MOU.

B. **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.

Employees may sign up for as many consecutive weeks as each employee accrues in one year. All vacation time requested, other than the one annual vacation, shall be treated as any other request for time off.

When an employee transfers from one unit/bureau to a different assignment, they shall be allowed to take annual vacation leave during the time period reserved while in the previous unit/bureau regardless of the employee's previous assignment.

Requests for annual vacation, including a calendar, must be submitted to the employee's immediate supervisor, Court Liaison Office, and the Duty Office, if applicable, at least 30 days prior to the first day of absence.

If an employee on annual vacation volunteers to work order back created by their absence, but cancels their vacation day when not awarded the order back shift which results in the cancellation of the order back, the remainder of the employee's annual vacation shall be forfeited and the employee shall return to their regular duty schedule. This shall not apply to Contract Law Enforcement Services or Absent with Substitute assignments.

C. **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 their designee can approve requests for time off at/below the minimum staffing buffer.

D. **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.

When an employee will be on LWOP for 10 or more consecutive days, the following is required:

- The employee shall submit an LWOP request memo (found on the L drive) through their chain of command to the Chief of Police for approval;
  - The memo must be submitted prior to taking the requested leave, or as soon as the employee is aware their leave balances are or will become depleted;
• The memo shall be forwarded to the Long Term Absence Coordinator (LTA), where it will be processed and forwarded to the Chief of Police for review;
• The Chief’s Office will review the memo and return it to the LTA;
• The LTA will forward the LWOP determination to the Fiscal Affairs bureau and notify the employee of the approval or denial.

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.

Exception: Members covered under FCEA Unit 3 MOU working a 4/10 shift who are off on a holiday which falls on a regular workday shall receive eight hours base pay for the holiday, and may elect to take two hours vacation, holiday or CTO to provide for a full 10 hours pay, or may elect to receive two hours leave without pay.

E. Absent 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.

F. Military Leave
Military leave requests will be handled in accordance with Fresno Municipal Code (FMC) §3-111.

Employees shall provide a copy of all military orders to their immediate supervisor, the LTA Coordinator, Business Office and the Duty Office, if applicable, within a week of receipt. Employees who receive military activation order that exceed 90 days will be directed to contact the Employee Services Coordinator (ESC). The ESC will:
• Conduct exit and re-entry interviews with the employee to facilitate transition to and from active duty;
• Make arrangements for the storage of the employee’s Department issued equipment;
• Be the point of contact for the employee and the employee’s family while the member is deployed; and
• Facilitate any initial/refresher training needed by the employee.
The employee will continue to have access to Department email to facilitate communication.

Sworn members’ range training/qualification status must be current prior to resuming their regularly assigned duties. (Refer to Procedure 312-Firearms, 403-Reintroduction to Patrol, and 432-Patrol Rifles)

G. 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.

The Duty Office will be responsible for tracking an employees’ usage of guaranteed leave request.

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.

H. Leave While on 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.

I. Family Medical Leave Act/ California Family Rights Act
Requests for protected leaves under the Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) shall be made with LTA Coordinator 30 calendar days prior to the start of the leave time, when foreseeable. Employees shall also notify their District or Unit Commanders when requesting FMLA/CFRA. Exceptions to the minimum 30 day notice will be considered for unforeseeable medical emergencies, lack of knowledge, or for chronic medical conditions. Otherwise, the employer can delay the start of the leave to a date that would yield a 30 day notice. FMLA/CFRA shall be applied for and renewed each fiscal year.

A maximum of twelve (12) weeks of FMLA/CFRA protected leave will be available per fiscal year and shall be run concurrently; with the exception of pregnancy. Baby bonding time shall be taken within the first year following the birth, adoption or foster care placement of a child. The time off must be taken in two week increments or more, except on two occasions you may take less than 2 weeks. Only non-sick leave balances may be used for baby bonding.

Sick leave may be used during an FMLA protected leave absence. Employees may use sick, vacation, holiday, comp, or special holiday for wage continuance during an FMLA/CFRA qualified absence.

Employees that do not have sufficient leave time balances to cover the duration of the FMLA/CFRA leave need to request leave without pay pursuant to section D above.

J. Pregnancy Disability Leave
Pregnancy Disability Leave (PDL) is available to all employees who are currently pregnant, regardless of length of employment. This protected leave can be taken before birth or at any time a pregnant employee is physically unable to work due to pregnancy or a pregnancy related condition. A maximum of 17.33 aggregate weeks will be available per pregnancy.

This leave may be taken as needed or consecutively and shall run concurrently with FMLA leave only. Any request for PDL absence must be submitted to the LTA Coordinator 30 calendar days prior to the start of the pregnancy disability. It shall include the start date of the leave and an estimated duration of the leave. When 30 days’ notice is not possible due to lack of knowledge or medical emergency, notice must be made as soon as practical.

An employee may use sick leave, vacation, holiday, comp, or special holiday for wage continuance. Employees that do not have sufficient leave time balances to cover the duration of the PDL need to request leave without pay pursuant to section D above.
K. Family and School Partnership Act
The Family-School Partnership Act allows parents, grandparents, and guardians to take time off from work to participate in their children's school or child care activities. To qualify, the employee must be a parent, guardian, or grandparent who has custody of a child enrolled in a California public or private school, kindergarten through grade twelve, or licensed child day care facility. Full time employees are allowed to take up to 40 hours per year with a maximum of 8 hours per calendar month. Part time employees are allowed a proportionate number of hours; e.g. half time employees are allowed 20 hours per year.

Any request for time off must be submitted one week in advance to their immediate supervisor or the Duty Office. Employees shall submit an OTTO request using the appropriate Family/School Act code. Members may use any of their available leave accounts excluding sick leave.

If both parents are employees of this Department, priority will be given to the parent that submitted the request first. The other employee may be approved if staffing allows. Employees are required to provide written proof of having participated at their child's school or child care facility upon the supervisor’s request.
A. **Sick Leave Accrual and Use**

Sick leave is a benefit to be used when a member is absent because he or she is unable to work due to illness or injury. Legitimate uses for sick leave include medical/dental appointments and any time when illness, injury, or the use of medication inhibits a member’s ability to perform his/her job tasks. It is the responsibility of every member to maintain his/her physical and mental wellbeing so that he/she is capable of assuming an equal share of the workload. It is also the member’s responsibility to come to work healthy and able to work safely. Members are expressly prohibited from utilizing sick leave when they are not inhibited from performing their duties.

Sick leave shall accumulate during the probationary period but may not be used until the member has completed 90 days of employment. Members who are unable to come to work due to illness or off-duty injury during this period will have the time deducted from their comp or holiday accounts, if there is time available. (Vacation leave is not available for use during the first six months). When no comp or holiday time is available, such time off will be handled as leave without pay. Following the first six months of employment, members must use all accumulated paid leaves before leave without pay will be granted.

**Caring for Family Members**

Members covered by this policy are allowed to use up to one half of the sick leave that would be accrued during a fiscal year to care for the employee’s child, parent, spouse, registered domestic partner, parent-in-law, grandparent, grandchild or sibling. Sick Leave may be used to actually care for or arrange for the care of family members who are ill and cannot care for themselves, or to take family members to routine medical or dental appointments.

Once a member uses one half of the total accumulated (non-exempt) sick leave per fiscal year, any sick leave taken will be deducted from the member’s vacation, holiday or comp accounts. Family Care Leave (Family Medical Leave Act / FMLA) is intended for long-term, serious medical care of the member or family member.

B. **Physical Impairment**

A member suffering a physical or mental impairment that limits their ability to perform all aspects of their job assignment shall not report for duty without first advising a supervisor of the limitations. Supervisors shall consider temporary duty assignment, or allow the member sick leave, depending on the nature and duration of the impairment and the nature of the member’s duties. Such impairments may be a result of medical treatment, injury, emotional problems, etc.

Members who report for duty and advise their supervisors that they are suffering an impairment due to an off duty injury, medical treatment, or otherwise, and the impairment makes them unfit for normal duty, may be allowed sick leave, or may be placed in a temporary duty assignment for that shift.

When a supervisor believes that a member is in need of sick leave, he/she shall consult a staff member. The staff member shall determine when sick leave is necessary and, if so, the member shall be sent home. When the member is sent home for a physical problem, he/she shall obtain a release from his/her doctor prior to returning to duty.

When a supervisor places a member on sick leave, a memo shall be forwarded to the Chief of Police, through the division commander, describing the reasons for the leave. The memo shall be completed prior to the end of the watch on which the absence occurred.
When a member does not conform to the physical standards for his/her position, the member may be terminated under the authority of FMC § 3-287.

C. Notification

Non-Patrol Personnel

When members assigned to units/bureaus other than patrol are unable to report for duty due to personal or family illness or injury, they shall report this fact to a person designated by their supervisor or commander not less than one hour prior to the member's required reporting time for duty. Non-patrol personnel having been on sick leave for any portion of their last scheduled work day shall notify the person designated as their supervisor not less than one hour before the beginning of the member's returning shift.

Patrol Personnel

When members assigned to patrol are unable to report for duty due to personal or family illness, or injury, shall contact the District Operations Commander of the affected District in advance of all absences no less than one and one-half hours prior to the start of their shift. If after hours, the member shall contact the on-duty Field Commander. The District Operations Commander or Field Commander will then contact the Duty Officer to report the member calling in sick. Should the District Operations Commander or Field Commander have concerns with any member calling in sick, this should be discussed with the affected supervisor. This supervisor or commander may contact the member calling in sick to ensure compliance with policy. Prior to returning to work, patrol members having been on sick leave for any portion of their last scheduled work day shall notify the duty office of their return to duty no later than one and one-half hours before the beginning of the member's returning shift.

All members, regardless of duty assignments, shall adhere to any additional requirements outlined in this procedure or their applicable MOU.

Activity Restrictions

The sick member shall not become involved in nonessential life activities outside the home during his/her assigned work hours unless prior approval is obtained from his/her physician or the member’s supervisor or a duty commander. Patrol personnel shall notify the duty officer in advance of all non-emergency absences from the member's home during their assigned work hours. Non-patrol personnel shall notify their designated supervisor or commander of all such absences.

D. Members Responsibility

When a member calls in sick, he/she shall advise the District Operations Commander or Field Commander (who will advise the Duty Office) whether he/she is ill or caring for a family member. After calling in sick, members are prohibited from changing sick time to:

- Vacation,
- Holiday,
- CTO,
- Administrative leave, or
- Leave without pay.

Any adjustment required due to inadequate leave time on the books will be made by the Fiscal Affairs Bureau.

When a member assigned to patrol takes a partial shift off sick, he/she shall notify his/her supervisor or designee prior to leaving work. The supervisor or designee shall notify the Duty Office as soon as possible.

Upon return to work, members shall complete and submit an OTTO request describing the type of sick leave and the amount of time taken.
E. **Extended Illness**
When a sick leave absence exceeds 15 calendar days, the member must file with his or her supervisor, no later than the 18th calendar day, a statement from the member’s physician regarding the estimated length of disability.

If the length of absence exceeds the stated estimated period of disability, a new statement must be filed within three calendar days following the expiration of the original estimated date of return.

When the use of extended sick leave is anticipated, the member may be required to provide a physician’s statement establishing that the member suffers from a permanent or long-term disability that will interfere with the performance of his/her duties. The statement shall contain a description of the limitations of the employee and the probable duration of the disability, when known. It will be the responsibility of the Department to initiate action to transfer, return, terminate or modify duties of the member in accordance with the appropriate section(s) of the Fresno Municipal Code. All such evaluations shall be coordinated through the Personnel Bureau.

F. **Use of Sick Leave for Outside Employment**
Sick leave shall not be allowed where the cause of the injury or illness is directly traceable to City employment or to any compensated employment or remunerative occupation of any kind unless the employee has exhausted temporary disability insurance payments. If such temporary disability benefits and other disability insurance payments are exhausted, the employee may use Sick leave for such injury or illness.

G. **Supervisor Responsibility**
Upon a member's return to work, his/her supervisor will complete a review of the member's sick leave history and complete a Sick Leave Review Form. The supervisor shall determine if further action is warranted (e.g. possible sick leave abuse) and forward the form to the member's commander. These forms shall be maintained by the commander for the biannual review.

A member's supervisor may contact the member at home to ensure that the member is in compliance with this order. Such contacts should be made outside of sleeping hours when possible.

When a member is contacted, this fact shall be documented on the Sick Leave Review Form, and shall include:
- Date;
- Time;
- Whether the contact was by phone or in person;
- Whether the member was at home or not; and
- The name of the supervisor who made the contact.

A supervisor, with staff approval, may require a doctor’s verification of illness, which must be signed by a doctor or an R.N. under a doctor’s direction, for any period of absence. Such verification shall be mandatory for any member absent for more than seven calendar days due to illness or non-job related injury. This verification of illness or injury must be provided to the member’s supervisor immediately upon return to work.

Members who fail to provide a required verification may be required to use leave other than sick leave for their absence.

When a pattern or incident of sick leave use appears abusive or unauthorized, an immediate review shall be completed. In cases of suspected abuse or misuse of sick leave, the supervisor may, at his/her discretion, impose a physician's statement requirement without prior counseling.

When the findings of any such review support a violation of Department regulations, appropriate corrective action shall be taken.
H. Sick Leave Usage Limits
The acceptable limit for sick leave usage for all members is 80 hours per fiscal year. The allowable hours are divided so that a maximum of one half may be used in each semester: January through June and July through December. Members should review their applicable MOU for additional rules and regulations concerning sick leave usage and leave administration.

Division commanders, or their designees, will review sick leave usage biannually, in January and July, for any member exceeding the authorized limits in the previous six-month period. Records indicating sick leave usage in excess of the review limit will be examined further to determine compliance.

Leave of absence requests and sick leave review forms will be reviewed to determine how many hours of sick leave were hours that are to be considered exempt. Sick leave hours are exempt from inclusion in the authorized limits for:

- A long-term illness or injury of 40 or more consecutive working hours. Members will be required to submit a physician's statement verifying the illness or injury. A member whose absence would otherwise be exempt under this section, who returns to work for up to four hours during his/her absence, will not lose the exemption (e.g., the member is absent from work for 36 hours of a 40 hour work period);
- Pre-approved, scheduled medical or dental appointments of less than four hours. Multiple appointments on the same day, such as those for lab tests and x-rays that take longer than four hours, will be considered exempt. For appointments of more than four hours, members will be required to submit a statement from the medical offices verifying the appointment(s). This does not preclude the Department from requiring verification notes for all medical/dental appointments as provided in FMC § 3-107(f);
- Sick leave used for Worker's Compensation absences;
- Special leave taken for death in the immediate family, hospitalization of a member of the immediate family, or care of a member of the immediate family who is critically ill or injured, though not hospitalized, subject to the limitations provided in FMC § 3-107;
- An ongoing medical condition of a serious nature (e.g., diabetes or chemotherapy). Members will be required to submit a letter from the physician indicating the estimated length and frequency of absences;
- Surgery and/or hospitalization. Members will be required to submit a physician's statement; and
- Up to half of the total accumulated sick leave per fiscal year (including leave taken as sick and FMLA/CFRA) in accordance with State of California Labor Code, Chapter 164, Section 233.

I. Sick Leave Usage Review
As part of this process the Department has instituted several levels of review for members who may be in violation of this policy. The steps and course of action are as follows:

- **Initial Review** - Members whose adjusted sick leave hours exceed the limit for the first time will be counseled and advised to reduce sick leave usage. Supervisory staff are not required to hold a counseling session or impose the physician's statement requirement in situations where the sick leave hours used, after the exempt hours are subtracted, do not exceed the authorized limits. Records of counseling will be maintained by the division commander, or designee, and will not be placed in member personnel files.

- **Three Month Follow-up Review** - Members who are counseled as part of an initial review will have their sick leave usage reviewed three months after being counseled to determine if their non-exempt sick leave usage has exceeded the limit of 16 hours (20 hours for 4/10 members). When the usage is at or below the limit, no further action is required. When it is above the limit, the division commander, or designee, will prepare a Letter of Understanding informing the member of a physician's statement requirement. The member will be required to provide written verification from the physician for every sick leave absence during a period of three months.
• **Failure to Submit a Physician’s Excuse** - Should the member fail to submit a signed physician's excuse for any absence during this three month period that absence will be treated as leave without pay. Supervisors should take action to insure that members are placed on leave without pay for any unverified absences. When the supervisor fails to take such action, the leave will be deducted from the member's sick or vacation balance.

• **Cancellation of Physician’s Excuse Requirement** - Should the member's sick leave usage fall below the 16 hour limit (20 hours for 4/10 members) at the conclusion of the three month follow-up review period, the requirement for physician's verification will cease. This does not preclude the member's supervisor from requiring a physician's verification when individual circumstances warrant it. Should the member's sick leave usage remain above the limit, the physician's verification requirement shall be extended in three month increments.

• **Two Year Compliance** - When a member's usage remains within the authorize limit for a 24 month period following removal from the physician's verification requirement or initial counseling session, the first step for any future action will be counseling, as provided in the initial review.

• **Non-Compliance** - When a member's sick leave usage continues to exceed the standard set by regulation, progressive corrective action may be taken. Before progressive corrective action is taken, a member's sick leave usage over his or her City career will be considered in determining the appropriateness of discipline.

Should the sick leave trend continue, the member may be subject to disciplinary measures and may be subject to a mandatory physical examination to determine the member's fitness for duty, as permitted in FMC § 3-288.
A. **Universal Precautions**

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious.

Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious. Caution should be taken when collecting evidence.

Some infectious diseases are viable up to two weeks, and can be transmitted from dried blood or other body fluids found on clothing, tools, etc.

B. **Procedures for Exposure to Blood, bodily Fluids or Aerosol Transmissible Diseases**

All Department personnel who are exposed to another person's blood, bodily fluids, or a reportable aerosol transmissible disease (Tuberculosis or Ebola) shall follow these procedures and guidelines.

Exposure to blood or other potentially infectious material includes, but is not limited to, the contact of such substances with the eye, mouth, other mucous membranes, non-intact skin, needle sticks, human bites, cuts or abrasions or any exposure that otherwise qualifies under Health and Safety Code § 121060.1 or 8 CCR § 5193.

Exposure to aerosol transmissible disease is any event in which all of the above have occurred (8 CCR § 5199):

1. An employee has been exposed to an individual who has a case or a suspected case of a reportable aerosol transmissible disease, or to a work area or to equipment that is reportedly expected to contain aerosol transmissible pathogens associated with a reportable aerosol transmissible disease;
2. The exposure occurred without the benefit of applicable exposure controls required by this policy; and
3. It reasonably appears from the circumstances of the exposure that transmission of disease is sufficiently likely to require medical attention.

C. **Designated Infectious Control Officer (DICO)**

The Chief of Police will assign a person(s) as the Department's Designated Infectious Control Officer(s). The DICO shall be responsible for the following:

1. The overall management of the bloodborne pathogen Exposure Control Plan (ECP).
2. Implementing updates to written procedures and a training program related to aerosol transmissible diseases, as required by 8 CCR § 5199.
3. Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan.
4. Remaining current on all legal requirements concerning bloodborne pathogens and other communicable diseases, as required by 8 CCR § 5193.
5. Reviewing and updating the ECP annually.

Department supervisors are responsible for the exposure control in their respective areas. They shall work directly with the DICO and any affected employees to ensure that the proper exposure control procedures are followed.
D. **Personal Protective Equipment**

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposure:

- Disposable latex gloves
- Isolation mask with eye shield
- Rescue mask with one-way valve
- Alcohol based gel and/or alcohol wipes

The protective equipment is to be kept in each police vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

E. **Work Practices**

Members shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure when contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses.

- Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids.
- When disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste.
- Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

F. **Immunizations**

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment immunization.

G. **Training**

In accordance with 8 CCR § 5193 and §5199, all department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall receive annual training.

H. **Disposable Protective Equipment**

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital.

I. **Decontamination of Skin and Mucous Membranes**

Members shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one’s hands, paying particular attention to the fingernails.

In the event decontamination of the whole body is deemed necessary, members should seek attention either from a local hospital, fire department or ambulance services. Medical treatment should be obtained as soon as possible.

Contaminated non-intact skin (e.g., injured skin, open wound, acne) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

J. **Decontamination of Clothing And Equipment**

Member’s clothing that becomes contaminated with blood or other body fluids shall be removed as soon as possible and put in a disposable bag.
Normal washing, using regular detergents in a washing machine, will decontaminate clothing. It is recommended that laundering be done at a commercial laundry to ensure adequate precautions. When washed at home, two washes are recommended; the first in cold water to remove soilage, and the second in hot water to sanitize. Bleach is recommended when fabric permits.

As an added precaution, contaminated clothing should be washed separately from other items. Normal dry cleaning will decontaminate uniform items that must be dry-cleaned. Wet clothing should be sun dried prior to dry cleaning.

Equipment items that are contaminated with blood or other body fluids are to be thoroughly cleaned after exposure. A solution of one part household bleach to ten parts water is sufficient to decontaminate equipment items.

K. **Use of Waste Containers**
Members shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval.

L. **Decontamination of Vehicles**
Contaminated vehicles and components such as the seats, radios, and doors shall be “tagged” (details should be written on the tag) for decontamination.

M. **Member Responsibility to Report Exposure (See Also Procedure §1008 HIV)**
In order to provide appropriate and timely treatment should exposure occur, members shall verbally report the exposure to their immediate supervisor.

N. **Supervisor Reporting Requirements**
The supervisor on duty shall investigate every exposure that occurs as soon as possible following the incident and take the following steps:

1. Print out the 3 Exposure Forms located on the ‘L’ Drive, ‘Library’, ‘Forms’, “DICO”, “Exposure Forms”
   a. Exposure Interview Report Form FPD-BBP01 (2 pages)
   b. Request for Notification: Communicable Disease Form FPD-BBP02
   c. Confidential Disease Exposure Report Form FPD-BBP03
2. Call the Duty Office to find out which Designated Infectious Control Officer (DICO Officer) is on duty.
3. Contact the DICO officer on duty and relate the information.
4. If the DICO officer advises that an exposure did NOT occur, no additional forms are needed.
5. If the DICO officer advises that an exposure has occurred, you will be directed to have the exposed employee respond to Kaiser Hospital and the source patient respond to CRMC for testing.
6. If the DICO officer is unavailable to respond, the supervisor shall complete the forms titled Exposure Interview Report Form FPD-BBP01 (2 pages), Request for Notification: Communicable Disease FPD-BBP02, and Confidential Disease Exposure Form FPD-BBP03 at Kaiser Hospital for exposed employee.
7. Provide a copy of the completed forms to the ER nurse/doctor at Kaiser Hospital.
8. Send the original completed forms to Personnel – Work Compensation Coordinator.
9. Ensure the source patient is sent to CRMC for a blood draw and medical staff will attempt to obtain consent from the source patient.

Supervisors shall also complete the following forms and forward to Personnel-Work Compensation Coordinator:

For incidents of suspected exposure but the field supervisor or DICO officer determined an exposure did not occur:
- Exposure Interview Report Form FPD-BBP01

For incidents of confirmed exposure:
- Exposure Interview Report – Form FPD-BBP01
- Request for Notification: Communicable Disease Form FPD-BBP02
- Confidential Disease Exposure Report – Form FPD-BBP03
- SRI (Supervisor’s Report of Injury)
- Signed DWC-1 (State carbon copy worker’s compensation form)
- Medical Service Authorization form to FIRM [7300 N. Fresno St. (Kaiser Hospital)] – Dr. Shazhad Jahromi Infectious Specialist
- Confidential Unusual Occurrence Report of the incident

For incident of potential HIV exposure, a Report of Potential HIV Exposure to Law Enforcement Employees form (CDPH 8749) must be completed.

O. **Counseling**
The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

N. **Confidentiality of Reports**
Most of the information involved in this process must remain confidential. Supervisors shall not include any information that could identify the exposed member in an unusual report, end of watch report, etc. If necessary, a confidential unusual report may be completed. The DICO shall ensure that all records and reports are kept in the strictest confidence.

The Employee Assistance Program Officer shall be responsible for maintaining the records containing the employee’s treatment status and the results examinations, medical testing, and follow-up procedures.
CONFIDENTIAL
DEPARTMENT OF COMMUNITY HEALTH
Communicable Disease Exposure Report

Reporting Procedure

County employees, pre-hospital care providers, firefighters, peace officers, and lifeguards who believe they have been exposed to blood, body fluids, or a disease shall:

1. Report the exposure to the receiving facility
2. Follow your employing agency’s reporting procedures
3. Complete SECTION I (All that apply to you)
4. IMMEDIATELY report exposure to the Department of Community Health, Communicable Disease Investigation. Normal business hours (Mon-Fri, 8 am to 5 pm) telephone 559 445-3569. Nights, weekends, and holidays telephone 559 488-3111 and ask for the on-call Fresno Emergency Response Team member
5. If you require medical attention, having treating physician complete Section II
6. Fax report to 559 445-3255 OR send report within 24 hours to:

Fresno County Department of Community Health
Communicable Disease Investigations
PO Box 11867
Fresno, CA 93775

SECTION I
(Complete all in SECTION I that apply to you)

Person Exposed

Name __________________________ Date of exposure ________________ Time of exposure ________________

Work Phone __________________________ Cell Phone __________________________ Home Phone __________________________

Employer __________________________ Dispatch / Case # ______ PCR # ______ Address/Location of exposure ____________

Other agencies present __________________________ Patient/Suspect Information

Name __________________________ Male __________ Female __________ Age __________ Date of birth __________

Address __________________________ Apt # ______ City ______ State ______ Phone __________

Patient destination __________________________ Hospital/Booking # ______ Case # ______

Type of Exposure

☐ Blood  ☐ Body Fluid  ☐ Respiratory Illness  ☐ Other __________

Briefly Describe Incident

________________________________________________________________________________________

Signature of Designated Officer / Designee: ____________________________________________________________________

SECTION II
(This section is for the treating physician to complete)

Treatment & Testing Guidelines

1. Hepatitis B (HBIG) if no prior infection or vaccine
2. Baseline Hepatitis C
3. Tetanus, if last shot was more than ten (10) years ago
4. Testing for HIV - If no HIV testing available at your facility, you can refer the patient to the Fresno County Department of Community Health’s Specialty Clinic at 559 445-3416, to begin the testing process

IMMEDIATELY report exposure to the Department of Community Health, Communicable Disease Investigation office. Normal business hours (Mon-Fri, 8 am to 5 pm) telephone 559 445-3569. Nights, weekends, and holidays telephone 559 488-3111 and ask for the on-call Fresno Emergency Response Team member

Services rendered by Treating Physician: ____________________________________________________________________

Treating Physician Signature ____________________________________________________________________

Exposure Response from CD I Staff: ☐ No Exposure/No follow Up  ☐ Unable to contact exposed to verify if exposure occurred

☐ True Exposure – Follow up to be done at: ____________________________________________________________________

Recommendations ____________________________________________________________________

Health Department Representative Signature ____________________________________________________________________

Exposure To Blood and/or Body Fluids

If you provided emergency medical care for a patient and suspect that you may have been exposed to the patient's blood and/or body fluids, as identified on the reverse side of this card, you should consider the possibility of your being exposed to a communicable disease. For information about communicable disease exposures, you should contact the Communicable Disease Division of the Fresno County HSS/Department of Community Health (see reverse side for telephone number).

Una persona pudo ser expuesta a enfermedades infecciosas cuando uno o mas de lo siguiente ocurrió:
1. La sangre del paciente y/o fluidos del cuerpo fueron expuestos a sus ojos, naris, o boca.
2. La sangre del paciente y/o fluidos del cuerpo fueron expuestos a una herida abierta.
3. Piquete de avuja/ o herida de piquete (incluyendo mordidas humanas).
4. Resucitacion de boca a boca.

Condado de Fresno Departamento de Salud para la Comunidad
División de Enfermedades Comunicables
Horas Normales de oficina: 445-3569
Noches, Fines de Semana y Dias de Fiesta 488-3111
(Ask for the on-call Emergency Response Team member)
A. Definitions

Accused - Accused means the member or members against whom a complaint is filed. The accused may include the Department or any subdivision thereof.

Receiving Member - A receiving member is any member who receives an inquiry or complaint from the public.

Complaint – 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.

Inquiry - An inquiry involves a question about the policy or procedures of the Department. Inquiries may be documented via an Inquiry Complaint Form (ICF) and Blue Team entry.

Resolved Inquiry - When the circumstances generating an inquiry appear to be within Department policy and an explanation produces understanding and/or satisfaction on the part of the inquirer, it shall be deemed a Resolved Inquiry.

Unresolved Inquiry - When the circumstances surrounding an inquiry are within Department policy and procedure, or are disputed and cannot be determined through further investigation, and the inquirer is not satisfied with the supervisor's explanation, the incident shall be classified as an Unresolved Inquiry.

Minor or General Allegation - A minor allegation is general in nature, and may include violations involving missed court, minor collisions, pursuits, rudeness and complaints regarding minor operational issues. Generally, complaints of this nature may be handled as an informal complaint, but may require a Receipt of Complaint (ROC) if the circumstances are likely to result in discipline (e.g. Letter or Reprimand or higher).

Major Allegation – An allegation involving a serious act of misconduct including, but not limited to, lack of integrity, excessive force, insubordination, abuse of authority, discrimination, harassment, or criminal conduct. A complaint involving a major allegation should be documented via an ROC memo.

Informal Complaint – 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. Informal complaints should be documented in an ICF and forwarded through the involved member's chain of command via Blue Team.

Formal Complaint – A complaint involving either a serious or general violation, which may lead to disciplinary measures, if sustained. Formal complaints should be documented in an ROC memo. Such complaints may be investigated by a Department supervisor or referred to Internal Affairs (IA), depending upon the seriousness and complexity of the investigation.

Receipt of Complaint (ROC) Memo – A memo documenting allegations of a serious nature, or circumstances likely to result in disciplinary measures against an employee. At a minimum, an ROC memo includes the allegations and a synopsis of the complainant's statement, or a summary of the allegations when the complaint is internally generated.

External Complaint – A complaint against a member generated by a “member of the public” (Government Code Section 6252 (b)).
Internal Complaint - A complaint against a member generated by any member, agent, officer, or employee of the City of Fresno or any other member, agent, officer, or employee of a federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment. (Government Code Section 6252 (b).

Blue Team - Blue Team is the web interface that allows data to be entered into the IA Pro database related to inquiries, complaints, and supervisor reports on pursuits, vehicle accidents, and reportable use-of-force incidents. All recordkeeping is accomplished via the IA Pro database.

Inquiry/Complaint Log - The Inquiry/Complaint Log is maintained electronically within the IA Pro database and contains records of inquiries and complaints.

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, the finding should be exonerated.

Sustained – When the investigation disclosed sufficient evidence to prove the truth of the allegation in the complaint by the preponderance of evidence, the finding should be sustained.

Not Sustained – When the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint, the finding should be not sustained.

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)] and the finding should also be unfounded.

Misconduct Not Alleged in Original Complaint – “Misconduct Not Alleged” is a sustained finding of misconduct not originally alleged in a complaint.

Racial or identity profiling - Includes the following:

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.
B. Blue Team - Inquiry/Complaint Process

Blue Team shall be accessed using the member's individually assigned login. Updates may be made to individual entries regarding the status or disposition of a case. Blue Team entries contain details of inquiries and complaints received by the Department, including a brief description of the type of contact and the disposition of the information received. Each completed Blue Team inquiry/complaint entry requires an ICF attachment, unless an ROC memo is attached instead.

When any possible violation of policy or procedure is identified during the investigation of a complaint or inquiry, it shall be thoroughly investigated and reported via either the informal or formal complaint process. When handling an inquiry or complaint, the assigned member will consider if video evidence is potentially available and take steps to ensure that the evidence is preserved for inclusion in the investigation. However, it is not necessary to attach body camera video in Blue Team, as it can be accessed via Evidence.com.

Supervisors assigned to handle an inquiry or 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 on the outcome of his/her investigation and documenting the notification in the appropriate section of the ICF.

Investigating supervisors shall complete and submit ICF’s within 30 days of the complaint date or date assigned.

When completing an ICF, supervisors shall list the involved member’s name(s) on the ICF and have the member review it, prior to forwarding it to Internal Affairs. A witnessing supervisor may be present to verify an involved member’s opportunity to view the ICF.

When reportable force has been used and an unreasonable force complaint is also made regarding the same incident, separate inquiry and use of force entries must be made in Blue Team.

IA shall track and maintain the final disposition of all complaints and inquiries entered into Blue Team. The record maintained in IA Pro is the only official record.

Difference Between Inquiry and Complaint

All expressions of displeasure with the conduct of the Department or its members shall be carefully examined to determine whether or not the expressed sentiment is an inquiry or a 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 investigation.

C. Inquiries

Receipt of Inquiries

Any member who receives an inquiry regarding his/her performance from a person who has a reasonable standing to inquire (i.e., someone impacted by the actions of the member) should attempt to satisfy the inquiry as soon as circumstances permit. When the inquirer is satisfied with the member's response, no further action is required. When the inquirer is unsatisfied, a supervisor shall be immediately called to the scene to receive and handle the inquiry. When the supervisor who arrives to handle the inquiry is able to bring understanding to the inquirer regarding the officer's actions, no further action is necessary.

Resolved/Unresolved Inquiry Disposition

Although some inquiries may be resolved in the field with no further documentation, other inquiries may require documentation in an ICF (e.g. when a supervisor is assigned to handle an inquiry originally entered into Blue Team by the Duty Office).
When the circumstances established by the investigating supervisor result in a resolved or unresolved inquiry, the investigating supervisor shall forward the completed ICF via Blue Team, noting the disposition. The ICF shall be forwarded through the member’s bureau/district commander/manager, to the IA Secretary via Blue Team.

D. Complaints
All complaints, regardless of the means by which they are conveyed, shall be received by any member of the Department to whom they are transmitted and processed according to the procedures contained in this order. Any member who receives a complaint regarding his/her performance shall notify his/her supervisor as soon as possible. The supervisor should respond to the location to contact the complainant and conduct an investigation into his/her allegations. Supervisors will ensure a Blue Team entry is made, attach an ICF or ROC memo and all supporting documents, then forward the Blue Team entry to their bureau/district commander. When AXON recordings of the involved incident exist, the investigating supervisor shall briefly summarize the video in the ICF.

All supervisory contact with complainants shall be made in person whenever possible. Interviews should be recorded, whether in person or by telephone. AXON cameras may be used for the purpose of recording statements during the investigation of complaints, although digital recordings are also acceptable.

Complaints Involving Minor or General Allegations
The supervisor receiving or investigating a complaint shall discuss all allegations with the complainant to determine its validity. When it is determined the complaint can be appropriately handled via the informal complaint process, the supervisor will reach a disposition of Unfounded, Exonerated, Not Sustained, or Sustained and an ICF shall be completed. The ICF should contain details regarding the origin of the complaint, the specific allegations involved and efforts made to investigate the complaint. The ICF shall be forwarded via Blue Team to the accused member’s bureau/district commander/manager. Upon approval of the disposition, the ICF shall be forwarded via Blue Team to the IA Secretary, subject to final review by the IA commander. Formal complaints involving a minor or general violation should be documented in an ROC.

Resolution of ROC’s Involving Minor or General Allegations
When the investigating supervisor documents an ROC regarding a minor violation where there is no probability of reaching a conclusion through further investigation (e.g., cases of a member’s word against the complainant’s with no identifiable witnesses or evidence to support either position), he/she may recommend that the complaint be closed as “Not Sustained.” With the concurrence of the bureau/district commander, such cases may be concluded at the ROC level without further investigation. The complainant shall be notified of the disposition of the complaint by Internal Affairs. If additional evidence or information is provided at a later time, the investigation may be reopened at the discretion of the bureau/district commander/manager.

Complaints Involving a Major Allegation
When a complaint of a major allegation is received, the supervisor shall prepare an ROC memo, which shall be forwarded through the chain of command via Blue Team to the division commander, who will decide if the complaint is to be investigated at the division level or forwarded to IA. The Blue Team entry attachments shall include an ROC memorandum summarizing the complaint, copies of all relevant documentation (e.g., reports, call printouts, medical forms, photographs, ICF, non-AXON video, etc.), and recordings of all interviews.

Firearm Related Incidents
Unintentional firearm discharges by officers that do not result in injury should be documented in an ROC. Refer to Procedure 310 regarding intentional firearm discharges/use of deadly force (OIS).

Incidents where an officer uses his/her firearm to subdue a vicious animal (Dog OIS), may be documented in an Administrative Review or ROC memorandum.
Complaint Involving Racial or Identity Profiling

Complaints related to racial/identity profiling (or bias-based policing) generally require an ROC and are investigated via the formal complaint process. However, when the following conditions apply, such complaints may be handled via the informal complaint process and documented in an ICF:

- The entire contact between the complainant and officer(s) is captured via AXON body camera and:
  - A review of the video demonstrates no conduct by the officer(s) that suggests, implies or indicates bias-based policing, and;
  - Reasonable suspicion for the contact is not in question by the complainant or is captured on video, or;

- The entire contact is not recorded via AXON body camera, but upon a supervisor discussing the matter with the complainant, the complainant chooses to voluntarily rescind their allegations/complaint. Under these circumstances, a recording (audio or AXON) of the complainant rescinding their complaint is required.

Anonymous Complaints

Anonymous complaints shall be referred to a supervisor by the receiving member. The supervisor shall create a Blue Team entry and forward it to the accused member’s bureau/district commander/manager. When the anonymous complaint contains sufficient information for investigation, the bureau/district commander/manager shall assign it for investigation. When the complaint does not contain sufficient information for follow-up, it shall be documented in an ICF, which shall be forwarded via Blue Team to the IA Secretary.

Under exceptional circumstances, where the nature of the complaint dictates a departure from the provisions of this section, the receiving member shall contact an appropriate supervisor or commander for assistance in the special handling of the complaint.

Written Complaints

Persons desiring to file a complaint, who do not want contact with or cannot wait for a supervisor, shall be provided with a “mail-in” complaint form. A form may be picked up in person at HQ, at designated locations throughout the City, or by calling the IA Office and requesting that a form be sent to the complainant by mail. Upon completion, the forms are to be mailed to the Duty Office. When preferred, complainants may access the Department’s website at www.fresno.gov and print the form to mail in, or submit by e-mail. The receiving member shall forward the e-mail to the Duty Office.

A written complaint received by any member of the Department shall be forwarded to the Duty Office or the accused member’s bureau/district commander/manager. A Blue Team entry shall be made prior to the accused member’s bureau/district commander assigning the complaint for investigation.

Citizen Complaint Admonishment

Supervisors handling a complaint should make every effort to obtain a signed “Citizen Complaint Admonishment Form.” The admonishment form should be attached via Blue Team, when an ROC will be completed. Complainants are not to be advised that they can be personally sued in civil court for filing a false complaint. Admonishments shall be limited to the information contained in the Citizen Complaint Admonishment Form.

Disposition of Complaints

When an internal affairs investigation is completed, or a final disposition is reached on an informal complaint, IA will notify the complainant of the disposition in writing.

E. Role of Duty Office, Supervisors and Commanders in Receiving Inquiries and Complaints

All inquiries/complaints brought to the attention of a Duty Officer, by any means (i.e., phone, mail, e-mail, HQ walk-ins, etc.), shall be entered into Blue Team.
When the inquiry/complaint is of a minor violation, and the accused member is on-duty, the Duty Officer shall notify the member’s supervisor who shall respond to handle the inquiry/complaint and complete the ICF. When the accused member is off-duty, or a supervisor from the accused member’s bureau/district is unavailable, the Duty Officer shall complete a Blue Team entry and forward it to the accused member’s commander.

When the inquiry/complaint is of a major violation, whether the accused member is on or off-duty, the Duty Officer shall notify a supervisor from the accused member’s bureau/district of assignment (e.g. unreasonable force, criminal conduct, etc). The on-duty supervisor shall contact the complainant, handle the inquiry/complaint and complete a Blue Team entry. An ROC should be completed by the on-duty supervisor. Whenever possible, efforts shall be made to obtain any pertinent evidence that may not be available at a later time, to include photographs of injuries, jail booking or surveillance video, and recordings of critical witness statements.

In all instances where the Duty Officer enters an inquiry/complaint into Blue Team, a Receipt for Personnel Complaint form shall also be completed. The receipt will be sent to the complainant via U.S. mail by Records. When mail-in complaint forms or email complaints are received, the receiving Duty Officer shall scan any original documents and complete a Blue Team entry, electronically attaching the scanned copies and any related emails. The original mail-in form shall be forwarded to IA. The Blue Team entry shall be forwarded to the bureau/district commander/manager of the involved member, who shall assign the inquiry/complaint the appropriate supervisor for investigation.

Inquiries and Complaints with AXON Recordings
In the course of handling an inquiry or complaint in the field, a supervisor may review an officer’s AXON video. In instances where the alleged misconduct did not occur and allowing the complainant to view the video may facilitate resolution of the inquiry or complaint, the supervisor may allow the involved party to view the video. When the inquiry/complaint is resolved, it shall be documented in an ICF and entered into Blue Team.

When the inquiry or complaint involves use of force and the video shows force being used by a(n) officer(s), an ROC will still be required. If the complainant rescinds their initial complaint after viewing the video, it shall be noted in the ROC. If the video clearly demonstrates no force was used by officers, the complaint may be documented in an ICF and entered into Blue Team, subject to review by the IA commander. The IA commander will make a determination as to whether or not further investigation is warranted (refer to Procedure 450 for additional requirements related to AXON recordings and complaints).

Coordination of Investigations
When members from different bureaus are involved in the same inquiry, the Blue Team entry shall be sent to the bureau commander/manager of each accused member. The commanders/managers shall ensure that the investigation is coordinated by the assigned supervisor(s).

F. Notification to IA of Assigned Complaints
When a division commander determines that a complaint should be formally investigated by IA, it will be forwarded to the Administrative Division Commander for review. Upon concurrence by the Administrative Division Commander, the complaint will be assigned to IA for investigation.

When a supervisor who is not assigned to IA initiates or is assigned any internal investigation, he/she shall contact IA within the next three work days to provide the following information and obtain an IA case number. Notification after hours may be made via e-mail or voicemail.

- Date and time of the incident (if known);
- Location of the incident;
- Case number or event number of incident;
- First and last name of the accused member(s);
- Nature of complaint including a brief summary; and
- Whether the complaint was generated internally or by a citizen.
- When complaint is citizen generated, provide name, race, age, and sex of citizen.

When an administrative investigation is handled by a supervisor outside of the Internal Affairs Bureau (IAB), it shall be forwarded to IAB upon completion. IAB is responsible for initiating and tracking the review process.

See Policy §340 or Procedure §340 for staffing and forwarding of administrative investigations.

**Internal Affairs Investigation Completion Deadlines**

Supervisors conducting IA investigations shall make reasonable efforts to complete assigned IA’s in a timely manner. The target goal for IA investigations is completion within 30 days of assignment, not to exceed 60 days without an extension. Requests for extensions shall be made in writing to the investigating supervisor’s bureau/district commander. The IA secretary shall be notified of the extension and its length.
A. **Definitions**

- **Enforcement Activities** – Duty assignments and/or tasks that place or could reasonably be expected to place officers in situations where they are at risk of being involved in violent encounters.

- **Extreme Climate Related Conditions** - Any time the local outside ambient temperature exceeds 95 degrees Fahrenheit, as listed on the National Weather Service Forecast at [http://weather.gov](http://weather.gov).

A. **Use of Body Armor**

All officers assigned to a uniformed position are required to wear body armor while engaged in enforcement activities as defined above. Officers may be exempt from mandatory use when:

- The officer provides written documentation from his/her physician indicating that the officer has a medical condition that precludes wearing body armor;
- The Department determines that circumstances make it inappropriate to mandate wearing body armor based on job assignment; or
- Extreme climate related conditions exist, as defined above.

All probationary officers are required to wear their issued ballistic vest while in uniform. Officers engaged in enforcement activities that are exempt from wearing their body armor shall have it readily available. Damaged vests should be replaced by the Equipment & Supply Unit as soon as possible.

Body armor use is mandatory for all sworn personnel involved in a pre-planned event where time and practicality allow officers to put on body armor in anticipation of encountering armed or dangerous suspects, serving any search warrant, or circumstances involving a felony suspect (i.e., arrest, field interview, SWAT operations, stake-outs, etc.). (See Procedure §323)

Supervisors shall be responsible for ensuring that body armor is worn as required through routine observation.
A. **Telephone Required**
Members shall maintain a functional telephone in their private residence and shall ensure that the Department has their telephone number(s) accurately recorded.

B. **Address Requirements**
Members shall provide the Department with their current street (residence) address. Members using post office boxes or mailing addresses other than their street address shall also provide the Department with that information.

C. **Change of Address or Telephone**
Members who change their address and/or telephone number shall notify the Personnel Bureau of their new address and/or telephone number on the Department Change of Address/Telephone Form. This notification shall be made by the close of business on the day the change is to be made. Members shall also complete a yellow ADDRESS/PHONE NUMBER CARD in the Fiscal Affairs Bureau to ensure proper forwarding of payroll related documents. (I.e., W-2’s, Payroll Advice Stubs, etc.)

D. **Telephone & Address List Distribution**
The Personnel Bureau shall maintain the master list of the addresses and telephone numbers of all members. Copies shall be distributed to the Office of the Chief of Police, or designee, all division, district, and section commanders, division managers, division secretaries, the Fiscal Affairs Bureau, the Duty Office, and the CLO. Lists may be copied by others only with permission of their commander/manager. Information contained on any of these lists is confidential and shall not be released except as provided in this order.

E. **Handling Inquiries**
Inquiries regarding the name, address, and/or phone number of a member shall be directed to that member’s division secretarial staff during normal business hours of the division. Requests falling outside of normal business hours shall be directed to the Duty Office.

**Release to Members**
The division secretarial staff member or duty officer may release the requested information to another member upon verification of the requesting member’s identity.

**Release to Non-Members**
Except for the release to District Attorney (DA) personnel, no member shall release name, phone number, and/or address information of a member to a non-member. When the requesting party wishes to contact a member for a personal emergency or urgent work related reasons, the division secretarial staff member or duty officer will immediately attempt to contact the member and deliver the message. When the request does not require an immediate attempt to contact the member or when the division secretarial staff member or duty officer is unable to contact the member, he/she may provide the requesting party with the member’s voice mailbox number. When there is no voice mailbox for the member, a written message shall be taken and forwarded as appropriate.

**Release to DA Personnel**
Members of the CLO are authorized to release address/phone number information to DA personnel when it is necessary to contact the member regarding a case and the contact cannot wait until, or be accomplished while, the member is on duty.
F. **Voice Mail and Electronic Mail**
Members shall activate their assigned voice mailbox upon its issuance and prepare a professional greeting in the member's own voice. The greeting shall include the member's name, rank, assignment and a request that a message be left. No music or other evident background noise shall be included in the greeting. Members shall review their voice mail messages a minimum of once during each duty shift. This mandatory review shall take place at the beginning of the shift. Duty related messages received by members shall be acted upon as soon as practical or as circumstances dictate. Members who are assigned to positions which utilize e-mail shall review their e-mail messages a minimum of once during each duty shift they work. Duty related messages received by members via e-mail shall be acted upon as soon as practical or as circumstances dictate.
A. Personnel Files
The personnel files described in this order are authorized by the Chief of Police. No other personnel files may be maintained with respect to any member without the knowledge of the member and the permission of the Chief of Police. This order does not, however, prohibit supervisors from keeping notes, attendance logs or similar documents, when these documents are to be used for periodic performance evaluations or will eventually be entered into an authorized file.

Master Personnel File
The Master Personnel File on each member is maintained in the Personnel Section and may be subject to the provisions of Government Code (GC) §3305 and §3306. This file should contain documents relative to a member's employment and training by the Department except for pre-employment background information and Internal Affairs Unit investigative files. Documents which should be placed in this file include, but are not limited to, formal commendations, disciplinary actions, evaluations, training records, etc.

Pre-Employment Background File
The Personnel Section 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 Personnel Files
Each bureau, section, or unit commander shall maintain a file on each member under his/her command. The file shall contain those documents that pertain to the member's performance within his/her area of assignment.

Field Training Files
The Field Training Coordinator shall maintain a file on each member who is in or has been in the Field Training Program. These files contain all of the documents generated on each member while in the Field Training Program.

Internal Affairs Files
The Internal Affairs Bureau maintains all completed internal investigation files. In addition, the Internal Affairs Bureau is responsible for maintaining files of Risk Management claim investigations, pursuit reviews, accident reviews, and discrimination and harassment dispositions.

Training Files
The Training Manager shall maintain a separate file on each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas, and other documentation; and education and firearm qualifications.

Medical Files
The Worker’s Compensation Coordinator shall maintain medical files separately from all other personnel records. It will contain all documents relating to a member's medical condition and history.

Member Emergency Card Files
Member Emergency Cards are maintained by the Communications Manager. When there is a change of persons to contact in an emergency, members shall complete a new card and forward it to the Communications Manager.
Reserve Officer Personnel Files
The Reserve Officer Coordinator shall maintain master personnel files on all reserve officers that contain all of the information generated with respect to the reserve's service to the Department except background investigation information.

B. **Member Access to Own File(s)**
A member may request access to his/her own personnel file(s) during the normal business hours. A member may review any file maintained on him/her in the presence of whomever is responsible for maintaining the file, subject to the provisions of this section. Review of permanent files (i.e., master personnel and division level) may be conducted at no less than six month intervals.

Pre-employment Background File Review
Members may not review their background investigation files.

Internal Affairs File Review
Members may review completed Internal Affairs investigation files in which they were an accused, with the exception of confidential information (e.g., informant identities, details about other accused members, etc.)

Members are restricted from accessing open internal investigations, pending final disposition or notice to the member of intent to discipline.

Acknowledging Review
Members who review any personnel file will be asked to sign a notation in the file documenting the date the member reviewed the file. When the member refuses to do so, the member showing the file will note and sign the refusal.

C. **Information Removal**
A member seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command.

The Department shall thereafter remove any such item if appropriate or within 30 days provide the member with a written explanation why the contested item will not be removed (GC §3306.5).

- If the contested item is not removed from the file, the member’s request and the Department’s written response shall be retained with the contested item in the member’s personnel file.

D. **Authorization for Internal Access to Files**
The Chief of Police and members of the Internal Affairs Bureau may access all personnel and internal investigation files maintained by the Department.

Members of the Personnel Section and staff members may access master personnel files but not Internal Affairs files.

Supervisory personnel may only access divisional files maintained on their subordinates.

Access to files other than stated above is prohibited except with the permission of the Chief of Police.

E. **Divisional Personnel Files**
File Organization
Divisional Personnel Files shall be organized according to the protocols established in this order. Supervisors are responsible for ensuring that the files are current at all times and shall review Divisional File contents for each new employee assigned to them (e.g. patrol matrix change).

1. The file folder should be the red press board style (legal size) with three divided sections.
2. The inside of the front cover should contain personnel file content logs (the top document) listing contents in chronological order, all other administrative documents not otherwise specified in the
order, and the member’s personal data sheet. These administrative documents do not need to be listed on the file content log.

3. The page opposite the inside of the front cover should contain evaluations only.

4. The center section should contain only documents which are going to be purged after being referenced in the member’s next evaluation.

5. The inside of the back cover should contain all commendations, positive comments, and neutral documents.

6. The page opposite the inside back cover should contain documents including disciplinary actions, documented oral counseling, letters of counseling, etc.

7. Each new document entered into the folder shall be logged with the exception of the documents listed under #2 above.

Each supervisor responsible for completing the employee’s performance evaluation shall determine whether the records of any prior sustained disciplinary actions should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

Miscellaneous Folder Protocols
All documents, except those temporarily maintained in the center section, should be attached with the folder clasps in reverse chronological order (i.e., the most recent document on top).

All documents containing adverse comments must be signed and dated before being inserted. All documents with non-adverse comments should be signed to reflect that they were seen by the member, but signature is not mandatory.

Copies of supervisor’s report of injury, sick leave correspondence, return to work documents, etc. need not be kept in the Divisional File unless they are related to some other problem (e.g., excessive sick leave; sick leave abuse, etc.).

Training documents are normally not included and should be forwarded to the Personnel Section. When a training document is of such significance that it should be retained in the Divisional File, it should be included with the administrative documents inside the front cover unless it is attached to another document as part of a disciplinary or other administrative action.

Transfer of Divisional Files
Within thirty days of a reassignment of a member to a different unit, section, or bureau, or District, Divisional Files, along with a current annual, or exit evaluation shall be forwarded to the member’s new commander.

When a member terminates his/her employment with the Department, the contents of the Divisional File shall be forwarded to the Personnel Section within thirty days of the departure.

F. File Entries
All adverse entries into personnel files shall be governed by the provisions of Procedure §340. Commendations should contain the signature and date of review of the member before being entered into his/her file. At a minimum, signatures should be contained on the last page of multi-page documents. Neutral entries (e.g., training certificates, attendance logs, etc.) need not be signed or acknowledged before being entered into a file. Members may attach a response to adverse entries consistent with Procedure §340.

Entries of other than neutral documents into divisional personnel files shall be made only after the member’s commander has had an opportunity to review the document(s).

G. Confidentiality
Information possessed by the Department regarding members is strictly confidential. This includes all personnel files, telephone and address information, and other personal information. The release of any information in a personnel file shall be controlled by Policy §1026 through the Internal Affairs Bureau.
Commander and City Attorneys Office. The release of other personnel information about another is prohibited.

H. **Retention Periods and Purging of Files**
Formal citizen complaints, final orders of discipline, ICF’s, pursuit review memos, collision review memos and all related files not the subject of pending litigation or other ongoing legal proceedings shall be purged after five years from the date the file was closed (Penal Code §832.5).

The five-year retention period for sustained, not sustained, exonerated or unfounded internal affairs investigations shall begin on the date the file was closed.

The Internal Affairs Commander is responsible for tracking final orders of discipline and shall provide written notification via email to the Personnel Section (Master File), the affected Bureau/District (Divisional File), and City Hall Personnel advising them to purge relevant files not related to pending litigation.

Documented Oral Reprimands (DOR’s) shall:
- Include a date for review with the employee,
- Be placed only in the employee's divisional file for a period of one year from the date of service;
- Be removed from the member’s file when the supervisor concludes that the intended objective of the reprimand has been achieved.

Letters of Counseling (LOC’s) shall:
- Include a date for review with the employee,
- Be placed only in the employee's divisional file for a period of one year from the date of service;
- Not refer to any future corrective or disciplinary action(s) anticipated or threatened; and
- Be removed from the member’s file when the supervisor concludes that the intended objective of the counseling has been achieved.

Formal and medium level commendations shall be purged from all files after five years.

Minor commendations placed in the divisional file should be included in the annual evaluation and returned to the member at the end of the evaluation period. PIE forms which are not part of a more permanent disciplinary or commendatory action should not be retained beyond the conclusion of the evaluation period.

The dates that documents are purged, according to these criteria, should be listed on the content log and returned to the member.

I. **Brady Material in Personnel Files**
The purpose of this section is to establish a procedure for releasing potentially exculpatory information (so-called Brady material) contained within confidential peace officer personnel files.

**Release of Personnel Files to the 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 so-called 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.

Procedure
If an officer is a material witness in a criminal case, a person or persons designated by the Chief of Police may examine the subject officer’s personnel file to determine whether there are Brady materials contained therein (e.g., evidence which is both favorable and material to the guilt and/or punishment of the defendant). If Brady material is located, the following procedure shall apply:

- In the event that a Pitchess motion has not already been filed by the criminal defendant or other party, the District Attorney shall be notified of the potential presence of Brady material in the officer’s personnel file
- The District Attorney should be instructed to file a Pitchess motion in order to initiate an in camera review by the court
- As with any Pitchess motion, and prior to any review of the files by the court, subject officer(s) shall be notified in writing that a Pitchess motion has been filed
- The responsible Custodian of Records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court in determining whether or not any material contained in the file is both material and favorable to the criminal defendant
- If the court determines that there is relevant Brady material contained in the file(s), only that material ordered released will be copied and released to the parties filing the Pitchess motion
  - Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the Court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
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.

A. **Guidelines for the Selection Process**

The selection process of officers for assignments shall consist, at a minimum, of an oral interview combined with a review of disciplinary history, and may be expanded to include testing components related to the unique nature of the assignment. Corrective measures taken against the employee, to include any Letters of Counseling (LOC) or Documented Oral Reprimands (DOR), may be considered during the selection process. However, LOC's or DOR's beyond the date of expiration may not be considered during the selection process.

Members shall be given reasonable notice prior to their interview.

Candidates shall not be numerically ranked as a result of the selection process, but shall be deemed "qualified" or "not qualified" for a specific position assignment. The results of the selection process, along with the selection panel's recommendations, shall be forwarded to the Chief of Police for approval/disapproval.

B. **Frequency and Status**

At a minimum, the selection process may be conducted once a year to coordinate the filling of pending vacancies and matrix processes. Candidates deemed "qualified" as a result of the selection process for a specific position assignment shall retain the "qualified" status for one (1) year from the date of the interview, which shall be tracked by the affected Bureau Commander.

C. **Selection Panel Composition**

At a minimum, the selection panel shall consist of the following:

- Two supervisors/commanders from the affected bureaus

D. **Orientation**

Selection panel members shall receive orientation from the affected Bureau Commander on appropriate selection questions, related selection components, discussion topics, interviewing techniques, etc. Orientation shall be conducted prior to scheduled interviews and related selection components.

E. **Record Keeping**

All announcements, interview questions, notes and rating sheets shall be submitted to the affected Bureau Commander, and shall be retained on file for three years.
A. **Commendations**

Written Commendations

A written commendation may be given for an act or performance level that is deserving of special recognition. Written commendations shall be given to the receiving member, with a copy entered in the member's personnel file.

When a supervisor or manager is made aware of performance by a subordinate that appears deserving of a written commendation, the supervisor shall prepare a letter of commendation for the Chief of Police, or designee’s signature. The supervisor shall forward the document through his/her commander to the Chief of Police, or designee.

When information is received from a citizen that a member has performed in an exemplary manner, the information shall be forwarded to the member's supervisor. The supervisor may prepare a recommendation for commendation, or may issue an oral commendation and enter copies of the information received in the member’s personnel file.

**Peer Recognition Process**

Any member may commend another member for an act or performance level that the observing member believes is deserving of special recognition. A Peer Recognition Form may be completed by the issuing member and given to the receiving member. The receiving member may sign the form and give a copy to his/her supervisor. The supervisor shall review the form and determine whether the recognition is warranted. The supervisor will then forward the form to his/her commander. The commander will determine whether or not the form will be placed in the receiving member’s divisional file. The commander may also recommend a higher level of commendation.

B. **Achievement Awards**

Achievement awards are commendations given in recognition of achieving an established level of proficiency, or for attaining an established level of performance. Achievement awards shall be documented and entered in members’ personnel file. The Special Awards Recognition Officer (SARO) has the authority to issue achievement awards upon the recommendation of a supervisor, with the approval of the Chief of Police, or designee.

**VC 10851 Pins**

VC 10851 Pins are awarded to officers who either recover 12 stolen vehicles, three of which have suspects in custody, or, recover six stolen vehicles, all of which have suspects in custody. In addition, the pin will be awarded to officers who develop information about an auto theft ring in which there are ten vehicles recovered and at least two suspects arrested. The recoveries must be within any 12 month period. When a member qualifies for a VC 10851 pin, he/she shall forward the relevant VC 10851 reports to the SARO for processing.

**VC 23152 Pins (see RCTB 07-05)**

VC 23152 Pins are awarded to officers who make a designated number of arrests for DUI. Officers are awarded different pins based on the number of DUI arrests made during their career: 25 arrests (white pin); 100 arrests (blue pin); 200 arrests (red pin); 300 arrests (silver pin); and 500 arrests (gold medal and pin). The arresting officer listed on the DMV officer's statement/admin-per-se will receive credit for the arrest. DUI's will be tracked by the Traffic Bureau and the SARO will be notified when an officer qualifies for a pin or medal. The DUI Recognition is a career achievement award and is not subject to the 12 month time regulation as with the VC 10851 award.
Latent Print Pins
Latent Print Pins are awarded to members who have made six latent print lifts within a twelve month period resulting in suspect identification. When a member qualifies for a latent print pin, he/she shall forward a memo containing relevant case numbers to the SARO for processing.

Recovered Firearms Pins
Recovered Firearms Pins are awarded to officers who recover firearms, involving 10 separate incidents, which led to arrests. The recoveries must be within any 12 month period, and eligibility is retroactive to January 1, 2012. When a member qualifies for a Recovered Firearms Pin, he/she shall forward the relevant reports to the SARO for processing.

Note: Firearms booked pursuant to a WIC 5150 hold, or for safekeeping (i.e. DV related incident), will not be counted towards eligibility for this award. Each incident, regardless of the number of firearms seized or involved suspect’s, shall count towards one recovery. When a firearm recovery is made by a double unit, the credit will be equally divided between the officers (.5 each), or they may mutually decide to let one officer take the whole credit.

C. 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.

When a supervisor is made aware of performance by a subordinate that appears deserving of a major commendation, the supervisor shall prepare a recommendation describing the incident and forward it along with any related documentation through his/her commander to the Chairperson of the Commendation Board for consideration. The Commendation Board shall be convened as needed by the Chairperson to review recommendations for commendations.

The Commendation Board consists of the following personnel, who will serve at the pleasure of the Board Chairperson:

- A deputy chief selected by the Chief of Police, or designee to act as Board Chairperson;
- A captain selected by the Chief of Police, or designee;
- A lieutenant selected by the Chief of Police, or designee;
- A sergeant selected by the FPOA;
- Two police officers selected by the FPOA;
- A civilian manager selected by the Chief of Police, or designee; and
- The SARO will act as secretary to the board, and who will coordinate meetings of the Board.

The board shall be responsible for evaluating the recommendation and for making their own recommendation to the Chief of Police, or designee as to the appropriate type and degree of commendation to be given. Their recommendation shall be forwarded to the Chief of Police, or designee for final approval.

When the Chief of Police or designee decides on a written commendation, it shall be issued from his office. When a major commendation is to be given, arrangements for the presentation shall be handled by the SARO.

Below is a listing of the Fresno Police Department Major Commendations:

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.
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.

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.

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.

Exceptional Performance Ribbons
An Exceptional Performance Ribbon is awarded to members who have performed above and beyond what is normally expected in the member's current assignment. Exceptional Performance Ribbons may also be given for the performance of a Unit which results in a significant accomplishment beyond the typical function of that unit. Exceptional Performance Ribbons include:

- Tactical Ribbon awarded for a significant tactical operations or tactical incident(s);
- Operational Ribbon awarded for a significant operational event or administrative function which appreciably improves some aspect of service delivery for the agency or enhanced safety to the Community; and
- Investigative Ribbon awarded for a significant investigation, or series of investigations, resulting in a notable arrest and conviction.

Note: In the event a member receives more than one ribbon award of the same type, the second ribbon bar shall bear a bronze star in lieu of a second ribbon on the uniform. Upon the fifth bronze star being awarded, the pin will bear a silver star. Upon a fifth pin bearing a silver star being awarded, then a pin bearing a gold star will be issued.

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.

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.

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.

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.
Wearing Uniform Pins (Not covered in Policy 1046-Uniform Standards)
Members are allowed to wear Department issued pins or those pins mentioned in this order on Class C and Class A uniforms. Pins and medals issued by non-department entities may be worn with the written approval of the member’s Division Commander. Where multiple medals are issued for the same time period or event (e.g. the annual MADD 23152 award and the Department’s 23152 Career Award) then the member will select one of the awards only to display on their uniform.

D. **Recognitions**
**Employee of the Quarter**
It is the responsibility of each commander/supervisor to nominate members (sworn or civilian) for Department Employee of the Quarter. Nominations may be submitted in writing by any member (co-workers, supervisors or managers) and forwarded to the division commander of the nominated member. Commanders are to submit the name and written nomination of their nominee to the division commander of the nominated member. The written nomination shall document the member’s achievements, special assignments, projects, professional development, and civic involvement. Executive staff will review the nominations and then forward the name of the selected members to the Chief of Police, or designee.

The selected members will be presented with a Certificate of Appreciation at a designated City Council meeting.

E. **Recognition for Citizens**
**Written Commendation**
When any member feels the actions of a citizen warrant commendation, the member may prepare a letter of commendation for the Chief of Police, or designee’s signature. The letter of commendation shall be forwarded through the chain of command to the Chief of Police, or designee.

F. **Major Commendation and Achievement Award Ceremony**
The Fresno Police Department will hold a major commendations/achievement awards ceremony during the month of March of every year. This ceremony will present major commendations and achievement awards to members for their actions and accomplishments that occurred during the previous calendar year. When a member is unable to attend the ceremony, their medal will be accepted by the nominating supervisor or the member’s designee. Other major commendation ceremonies may be added to meet the needs of the Department as directed by the Chief of Police.
A. **Member Responsibilities**
   - It shall be the responsibility of each member to maintain good physical condition sufficient to safely and properly perform the duties of their job function.
   - Each member shall perform his/her respective duties without physical, emotional, and/or mental constraints.
   - During working hours, members are required to be alert, attentive, and capable of performing their assigned responsibilities.
   - 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.

B. **Supervisor Responsibilities**
   - A supervisor observing a member or receiving a report of a member who is perceived to be unable to perform his/her duties shall take prompt and appropriate action in an effort to resolve the situation.
   - 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.
   - In the event the member appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
   - In conjunction with the supervisor or member’s available division commander, a determination should be made whether or not the member should be temporarily relieved from his/her duties.
   - The Chief of Police shall be promptly notified in the event that any member is relieved from duty.

C. **Fitness for Duty Examinations**
   Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Personnel Bureau to determine the level of the employee’s fitness for duty. The order shall indicate the date, time and place for the examination.

The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee’s ability to perform job duties [Civil Code §56.10(c)(8)(A)]. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding [Civil Code §56.10(c)(8)(B)].

In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- All reports and evaluations submitted by the treating physician or therapist shall be part of the employee’s confidential personnel file.
- Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.
D. Psychological Reviews

Mandatory Reviews

Members involved in one or more 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).

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.

Immediate Reviews

When an immediate review or response is determined necessary for an on-duty member, the recommending staff member shall seek the concurrence of the involved member’s Division Commander. Upon agreement that an immediate review is necessary, the staff member will advise the Duty Office to contact a currently designated licensed mental health clinician. The staff member or a supervisor shall be available to brief the licensed mental health clinician. The Duty Office will advise the ESC of the member’s need for an immediate review as soon as practical. The ESC will be responsible for coordinating any follow-up needs.

Licensed Mental Health Clinician

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.

Members shall meet with the responding licensed mental health clinician in an on-duty capacity. When follow-up meetings are required due to a problem not related to City employment, the member shall schedule the visits during off-duty time, or use sick leave, vacation, or leave without pay as appropriate.

E. 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.

F. **Employee Intervention Programs**

Employee Intervention Programs (EIP’s) are designed to provide support in a confidential and trustworthy environment, equipping and enabling our personnel to effectively address professional and personal challenges, thereby allowing them to better serve the community.

**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 dealing with the day to day challenges and cumulative stress of the law enforcement profession.

The use of the Companion Officer Program is voluntary. When a request for a companion officer is made, Duty Office personnel shall notify the Companion Officer Program Coordinator and contact a companion officer(s) to respond. Off-duty companion officers should relieve any on-duty companion officers as needed. The assigned companion officer should remain with the involved member as long as needed or requested.

**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.

G. **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 support. 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 not a substitute for the disciplinary process. The SAVE Review Committee consists of the Employee Services Coordinator (ESC) and a Department approved psychologist experienced with law enforcement issues.

**Supervisor Responsibilities with SAVE**

If a supervisor observes a pattern of behavior in a member that suggests there may be a stress related issue, the supervisor shall:

- Advise the member that they will be meeting to discuss possible involvement in the SAVE program. Members will be provided adequate time before the meeting to consult with a Companion Officer or other Department member regarding questions they may have about the SAVE program;
  - While the initial SAVE meeting is mandatory, members are not obligated to discuss their personal issues with the supervisor, but may choose to do so;
- Meet individually with the member to discuss the behavior and attempt to determine if counseling intervention may be appropriate;
- If counseling intervention is appropriate, complete the SAVE Form which can be located on the LAN. The form requires the following information:
  - Behavioral observations of supervisor;
  - Information learned that is relevant to the behavior (e.g., any stressors or other challenges that may be present); and
  - Requests for information from existing data sources that may indicate physical manifestations of stress; and
• Only report the absence or presence of factors within the last six months, with a brief summary for each. Data sources may include:
  o Prior SAVE referrals (based on information provided by the member);
  o Sick leave review;
  o Citizen complaints;
  o On-duty accidents;
  o IA investigations; and
  o Performance evaluations, training memos, commendations, and letters of appreciation.

Once the information is collected and the package completed, the supervisor will forward the package to the ESC and request a log number. The ESC and the selected psychologist will, as the SAVE Committee, review the package and determine whether or not intervention is warranted. If intervention is warranted, the SAVE Committee will recommend a course of action.

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 and subject to the following:
• Prior to scheduling a mandatory meeting with a licensed mental health clinician, the Administrative Division Commander must concur with the recommendation;
• The ESC shall personally deliver the SAVE package to the licensed mental health clinician. The ESC will schedule the appointment with the licensed mental health clinician and notify the member of the appointment date and time;
• While this meeting is mandatory, members are not obligated to discuss their personal issues with the licensed mental health clinician. However, members are strongly encouraged to speak with the licensed mental health clinician as the meeting is strictly confidential and the member enjoys privileged communication with the licensed mental health clinician;
  o The licensed mental health clinician will discuss the issues identified, and determine what steps or information the member has taken to address their issues;
  o This information, combined with the findings of the SAVE Committee will form the basis for the licensed mental health clinician’s recommendations to the member on options available to him/her;
  o Such options could include referral to the Department EIP’s, or referral to professional counseling;
  o Members are not mandated to participate in the recommended options;
  o The psychologist will not provide any report about the content of the meeting, written or verbal, to any Department member or anyone else.
  o The licensed mental health clinician will only notify ESC that the member attended the mandatory meeting.

Stress Management Training
When the SAVE Review Committee finds intervention is warranted, the ESC may schedule training with the Training Bureau. When it is determined stress management training is appropriate, the ESC will:
• Notify the member of the scheduled date and time for the training;
• After the member has attended the training, notify the referring supervisor. Once the training is complete, the package will be disposed of.

Where training is mandated as a result of the SAVE review process, this action will be in the form of an order. Failure to follow this order will subject the member to discipline. This issue is separate from the conduct or events that warranted the SAVE review. The ESC will ensure that the member follows this order, to the best of his/her ability. The ESC will notify the Administrative Division Commander in the event the member fails to follow the order.
SAVE Records
The ESC is notified the appointment with the licensed mental health clinician was kept and/or verifies the member attended training.

The ESC then closes out the file, and securely discards the entire package for shredding. No permanent record of the SAVE process, other than the numbered tracking log shall be maintained or recorded anywhere.

H. Confidentiality of Information and Records
In general, all records resulting from psychological review or treatment shall be designated as confidential and afforded the same protection as other medical records.

When a member voluntarily seeks review under any of the aforementioned programs, all information remains confidential and shall not be reported to anyone, except when the member threatens to commit a crime of personal injury. When a member threatens to commit a crime of personal injury, the licensed mental health clinician will be required to make Tarasoff notifications (Refer to Policy & Procedure §418 for Tarasoff notification requirements).

At the initial review between the licensed mental health clinician and the member, the licensed mental health clinician will provide the member with a statement, in duplicate, of the rules regarding the confidentiality of the review(s). The licensed mental health clinician and member will each sign the statement and the member will retain the original and the licensed mental health clinician the duplicate.

When a member files a claim under Workers’ Compensation for stress, emotional, or psychological injury, all records pertaining to the alleged claim and fitness for duty will be provided to the City.

I. 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.

EAS Evaluation Criteria
The following incidents, events and documents will be included in the EAS review process:
- Internal Affairs Investigations with a finding of Sustained or Not Sustained (final disposition);
- Inquiry/Complaint Forms;
- Vehicle Pursuits that are not within policy (for individual members);
- Vehicle accidents while on duty or involving Department owned/leased vehicles when the member is at fault;
- Reportable uses of force resulting in injury or complaint of pain; and
- Risk management claims not already included in the above.

Information Processing and Reporting Requirements
The Internal Affairs Bureau is responsible for entering the data from the above incidents, events and documents into IA PRO, and for generating reports to be forwarded to the Administrative Division Commander. Reporting requirements for employee conduct and behavior are contained in Procedure §1020 – Personnel Complaints, Policy §314 – Vehicle Pursuit Policy, Procedure §502 – Vehicle Accidents, and Procedure §300 – Use of Force.
Criteria for EAS Reports
An EAS report will be generated when a member is an accused in three IA investigations where the findings are Sustained or Not Sustained, or involved in three use of force incidents resulting in injury or complaint of pain, or involved in a combination of any six incidents involving IA investigation(s), inquiry/complaints, out of policy vehicle pursuits, at fault vehicle accidents, risk claims, and use of force incidents within a rolling six month time period. These criteria can be modified by the Chief of Police or his/her designee with the concurrence of the Fresno Police Officers’ Association (FPOA).

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 report.

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 Administrative Division Commander without going through his/her chain of command.

EAS Committee
The EAS Committee shall be composed of a 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.

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 support/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. 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.

Access to EAS Report
Access to the non-redacted EAS report shall be limited to the Chief of Police, IA Commander, IA senior secretary, Administrative Division Commander, Administrative Division Senior Secretary, and the affected member.

Annual Evaluation of the EAS Program
Annually, the FPOA and the Administrative Division Commander will conduct a joint evaluation and review of the EAS program. The report will evaluate the overall effectiveness of the EAS program and
review compliance with this policy. The report will also evaluate the effectiveness of remedial training, EIP, or any other method which was helpful in addressing a member’s behavior.

The review, along with recommendations for improvement, will be submitted to the Chief of Police. To ensure confidentiality, names shall not be contained in the annual evaluation.

Role of First and Second Level Supervisors
EAS is not a substitute for the first and second level supervisors’ duty to counsel, train, and/or discipline their assigned members. A member’s acceptance into EAS is not indicative of a failure of the first and second level supervisors’ ability to resolve personnel issues. However, it should serve as a reminder of the supervisor’s important role when leading and directing Department members.

First and Second level supervisors have a variety of methods which may prevent members from becoming subject to the provisions of EAS. These methods include coaching, training, referral to the Department’s EIP, SAVE program, peer support/counseling, corrective action (oral counseling, letter of counseling, oral reprimand, documented oral reprimand), and recommendation for disciplinary action (second level supervisors only).
Lactation Break

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).

A. 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 who exceed regularly scheduled and paid break time shall submit a time-off request via the OTTO system to their supervisor prior to the completion of her shift.

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.

B. Approved Locations
Lactation breaks should be taken at the approved location nearest to the employees work site. Employees assigned to Patrol Division may take their break at home when they reside within their assigned policing district. The following private locations have been approved to accommodate employees needing to express milk during a lactation break:

- Northeast District Station – The Women’s Locker Room;
- Northwest District Station – Citizens On Patrol (COP) Office;
- Headquarters – The Women’s Locker Room (2nd Floor) TV room; and
- Annex – Women’s Restroom (2nd Floor, east wing) sitting area.

C. 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.
A. **Time Requirements**

Days-off System entries shall be completed and submitted electronically to the Fiscal Affairs Bureau by logging onto [http://daysoff.policle.fresno/](http://daysoff.policle.fresno/) no later than 8:00 a.m. on the Wednesday morning after the first day of the pay period, unless otherwise specified. The acceptable method is to enter your days-off information via the intranet. This system is web-based, but only accessible INSIDE the PD network. A UserID and Password are required for access. The UserID is your PeopleSoft (Payroll) number. The Password is defaulted to your last name.

In addition, absence, overtime, and pay down requests shall be completed via the Over-Time/Time-Off (OTTO) System and submitted to the Fiscal Affairs Bureau by logging onto [http://otto.police.fresno/](http://otto.police.fresno/), no later than 8:00 a.m. on the Wednesday morning before the end of the pay period, unless otherwise specified.

B. **Days Off Accounting**

On-duty employees shall submit a time-off request via the OTTO system to their supervisor prior to taking any time off from work. If an employee is granted leave while on days off, he/she shall complete a time-off request on the first day they return to work.

Employees shall not request or take any days off without first verifying they have sufficient hours in their account(s) to cover the type of leave they are requesting. Employees are expressly prohibited from requesting or taking a leave of absence which would result in a deficit in any of their leave accounts.

Members shall submit the Days-off System entries prior to the scheduled cutoff dates. The entry shall accurately reflect the member’s days off. When there is a change in days off for a time period previously submitted, a new entry for the same time period shall be submitted electronically with the correct days off no later than the first working day after the change is identified. This will override the previously submitted days-off entry.

C. **Attendance Verification**

Supervisors and managers shall periodically audit the attendance records for their personnel and submit a report to their division commander/bureau manager. Supervisors are responsible for tracking all leaves of absence and days off of employees assigned to them, along with ensuring the accuracy of the information. Supervisors shall reconcile all absences reported on the daily detail sheet with an appropriately completed OTTO request. When an OTTO request is not received for any leave of absence, the member shall be notified and directed to complete the OTTO request no later than the first day following a return from any leave of absence.

A time-off request submitted via OTTO received by a supervisor that has not been appropriately completed by a member shall be returned to the member to be completed correctly.

D. **Overtime Documentation**

**Employees Responsibility**

Overtime requests should be submitted at the end of the member’s shift whenever practical. If the overtime request submission is to be delayed beyond the end of the member’s shift, then a supervisor shall be notified of the delay, the reason for the delay, and the anticipated submission date (e.g., after return from days off). Member’s submitting a delayed overtime request shall do so via the OTTO system at the beginning of his/her next work shift.
When an overtime request has been delayed and the member is anticipated to be off for an extended period due to vacation, injury, or other acceptable reason prior to their next scheduled work shift, then the member shall make timely arrangements through his/her supervisor to have the overtime submitted through the business office for processing.

To avoid approval delays by supervisors and/or managers who are anticipated to be unavailable for extended periods, members may select an alternate supervisor and/or, manager to approve their request.

If the member is unable to submit a request due to the OTTO system being down, the member shall notify a supervisor that the system is down. Details of the overtime worked shall be provided to the supervisor and the member shall then submit the overtime request when the system is back on line.

**Supervisor’s Responsibility**

Supervisor’s shall review overtime and time-off requests a minimum of once during their shift. The supervisor who verifies the overtime earned shall verify that the overtime was worked before signing approval. It shall then be forwarded to the appropriate Commander/Manager for final approval.

**Division/Bureau Commander Responsibility**

Commanders shall review overtime and time-off requests and forward to the Fiscal Affairs Bureau once approved.

**E. Accounting for Portions of an Hour**

When accounting for less than a full hour, time worked shall be rounded down to the nearest tenth of an hour as indicated by the following chart:

<table>
<thead>
<tr>
<th>TIME WORKED</th>
<th>INDICATE ON CARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 6 minutes</td>
<td>0.0 hour</td>
</tr>
<tr>
<td>At least 6 but less than 12 minutes</td>
<td>0.1 hour</td>
</tr>
<tr>
<td>At least 12 but less than 18 minutes</td>
<td>0.2 hour</td>
</tr>
<tr>
<td>At least 18 but less than 24 minutes</td>
<td>0.3 hour</td>
</tr>
<tr>
<td>At least 24 but less than 30 minutes</td>
<td>0.4 hour</td>
</tr>
<tr>
<td>At least 30 but less than 36 minutes</td>
<td>0.5 hour</td>
</tr>
<tr>
<td>At least 37 but less than 42 minutes</td>
<td>0.6 hour</td>
</tr>
<tr>
<td>At least 42 but less than 48 minutes</td>
<td>0.7 hour</td>
</tr>
<tr>
<td>At least 48 but less than 54 minutes</td>
<td>0.8 hour</td>
</tr>
<tr>
<td>At least 54 but less than 60 minutes</td>
<td>0.9 hour</td>
</tr>
<tr>
<td>60 minutes</td>
<td>1 hour</td>
</tr>
</tbody>
</table>

**F. Court Time**

Refer to Procedure Manual §348.
Effective Date: 07/16/2019
Supersedes Order(s): Procedure 1040
Previously Issued: 04/09/2018

A. Obtaining Approval for Outside Employment
Members may not engage in any outside employment without first obtaining prior written approval of the Chief of Police or 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.

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police or 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.

Any member 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)]. Note: These provisions do not apply to policing Special Events or Contract Law Enforcement Services (CLES).

Work permits may be rescinded if a conflict of interest develops or the member is unable to perform their duties.

B. Working While on Leave
Members are prohibited from engaging in any off duty work (including Order Back, AWS, 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. Members shall initiate any approval requests through the chain of command, beginning with their immediate supervisor.

C. **Special Event Policing**

**Notification of Available Special Event Details**

An e-mail announcing upcoming Special Event details will be sent out by the Special Events Coordinator at least three weeks prior to the special event. The announcement will list the available details, applicable deadlines to submit shift preference sheets, and any other pertinent information.

**Member Request for Special Event Detail(s)**

Members interested in a detail must respond by 2359 hours on the application deadline date listed in the notification. In order for the member's request(s) to be accepted, it must be sent from the member's Department e-mail account.

**Assignment & Acceptance of Special Event Details**

Members who have been assigned a Special Event detail will receive notification of their assignment(s) at least one week prior to the Special Event detail(s). Notifications of assigned Special Event details will be e-mailed to the member's Department e-mail address, along with a 'Read Receipt Request'. When opening the notification e-mail, the member will be prompted with the "Read Receipt" and he/she must click on the "Yes" box. Only receipts from the member's Department e-mail address will be accepted. The member's response to this receipt will serve as acceptance of the Special Event detail(s). A member will have until the deadline listed on the email to accept the detail. Failure to respond to the receipt request will result in the Special Event detail being assigned to someone else.

Members may not swap their Special Event detail assignments.

D. **Contract Law Enforcement Services**

**Notification of Available CLES Details**

An e-mail listing the available CLES details will be sent out at approximately 1230 hours on Thursdays, eleven days prior to the week of available CLES details. Members wishing to be advised of available CLES details shall provide the CLES Coordinator with their Department e-mail address by e-mailing Police.ContractServices@fresno.gov. Department e-mail will be the ONLY means by which a member can request, accept, or cancel CLES details.

For notification purposes only, members may provide one personal e-mail address to the Coordinator by e-mailing the Coordinator with this request from their personal e-mail account.

**Member Request for CLES Detail(s)**

Members interested in a detail must respond by 2359 hours on the Sunday following the notification, unless otherwise directed in the notification email. In order for the member's request(s) to be accepted, it must be sent from the member's Department e-mail account.

**Assignment & Acceptance of CLES Details**

Members who have been assigned a CLES detail will receive notification of their assignment(s) on Tuesday, by 2200 hours, the week prior to the CLES detail(s). Notifications of assigned CLES details will be e-mailed to the member's Department e-mail address, along with a 'Read Receipt Request'. When opening the notification e-mail, the member will be prompted with the "Read Receipt" and he/she must click on the "Yes" box. Only receipts from the member's Department e-mail address will be accepted. The member's response to this receipt will serve as acceptance of the CLES detail(s). A member will have until 1230 hours on the Thursday prior to the week of the CLES detail to accept the detail. Failure to respond to the receipt request will result in the CLES detail being assigned to someone else.
Officer Responsibilities

Officers working a contract assignment shall first contact the on-duty supervisor in the district that they are working (or the contract supervisor when one is assigned).

- The officer will be briefed about any activity occurring or anticipated at the contract assignment.
- Officers then shall respond directly to the location of the assignment at the designated time unless otherwise directed.
- Officers are responsible for notifying the contractor when beginning and ending their shift.
- At the specified start time of the assignment, officers shall log on the radio channel controlling the policing district in which the officer is working with the radio designator assigned by the CLES Coordinator.

Exception: When an officer is assigned to pick up a patrol vehicle he/she shall respond to the district where the contract assignment is occurring, check out the vehicle, logon to the controlling radio channel at the designated time and report to the worksite as soon thereafter as possible. The officer may add an additional half hour of time to the total time worked as travel time for picking up/dropping off the vehicle. Officers assigned to utilize a patrol vehicle as part of their assignment shall first utilize high mileage vehicles if available. If one is not available then other patrol vehicles without MDS or a hard mount radio should be utilized. If none of these vehicles are available then officers may utilize a fully equipped patrol vehicle.

Members who must leave their assignment shall notify the contractor and Department supervisor as soon as possible and inform him/her of the expected duration and reason for the absence.

When a member leaves their assignment as the result of injury, illness, court, or an emergency situation occurring in the officer's presence (occurring off the contractor's premises), the officer shall notify the CLES Coordinator and provide the reason/length of absence.

Officers should not volunteer to handle calls for service unless they occur on the contractor's premises or the call is an emergency and it is occurring in the immediate area. When transportation of arrestees is required a wagon or patrol unit shall be utilized.

District Commander Responsibilities

District commanders shall:

- Determine whether or not an applicant will be allowed to contract with the Department for supplemental law enforcement services under Approval Guidelines listed below;
- When an applicant requests vehicles, determine whether or not vehicles will be available and authorized;
- Determine whether staffing in excess of that which has been requested will be required;
- Notify the CLES Coordinator of applications that have been denied or require modification;
- Return the application to the CLES Coordinator; and
- Arrange for a designee to complete the tasks described in this section in the event of their absence.

Approval Guidelines

Generally, contracted law enforcement services may be approved when the location/event:

- Generates an above average number of calls for service;
- Is in a high crime area;
- Is frequented by known drug dealers or gang members; or
- Has received approval by the Chief of Police, or designee.

Contracted law enforcement services may also be approved when, in the district commander's judgment, the Department and/or the community would benefit from the delivery of supplemental law enforcement services.
All CLES events shall require at least one marked patrol vehicle. Additional patrol vehicles will be required when more than two officers are assigned, at the rate of one patrol vehicle for every two officers.

Additional guidelines for types of non-approved events, etc., are contained within the Application for Contract Law Enforcement Services.

E. General Guidelines for CLES and Special Events Policing
For the purposes of this section, the term contracted events/assignments includes CLES as well as special events policing (e.g., The Big Fresno Fair, Hmong New Year, etc.).

Officers shall work contracted events in their Class B uniforms and shall have related equipment available (i.e., report forms, baton, flashlight, etc.). Specialized items, such as shotguns, canines, etc., are specifically prohibited.

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 designee (e.g., The Big Fresno Fair, etc.). Prohibited activities may include:

- Permitting unauthorized entrance to any person(s);
- Taking tickets; and
- 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.

Staff Officers
At the direction of the Chief of Police, staff officers including lieutenants, captains, and deputy chiefs may be assigned to CLES events. CLES shall be limited to one staff officer per event, with limited exceptions determined by the Chief of Police or their designee. The assigned staff officer shall have overall command of the event. Compensation for the CLES event will be in accordance with the applicable MOU.

Cancellations
When an officer is unable to work, or complete their contract assignment due to injury, illness, court appearance or other unavoidable event he/she shall immediately notify the CLES Coordinator or Special Events Coordinator as appropriate.

- For cancellations, an e-mail notice must be sent by the member to the CLES Coordinator or Special Events Coordinator, and the Duty Office, a minimum of 24 hours prior to the start of the assigned CLES detail/special event.
- Members cancelling with less than 24 hours notice to the CLES Coordinator/Special Events Coordinator are subject to provisions of the MOU regarding removal from the assignment list.
- Once a contract or special event is accepted, members are prohibited from cancelling and then accepting another contract, AWS, or overtime shift.
- When a member is ill and cannot fulfill the contract, the CLES Coordinator/Special Events Coordinator must be notified a minimum of 1.5 hours prior to the start of the CLES detail/special event, per Department policy.
- When the Coordinator cannot be contacted the officer shall immediately notify the Duty Office and the duty officer will attempt to locate a volunteer to complete the contract.
- The duty officer shall promptly notify the contractor when a replacement officer cannot be located.
Complaints
When a complaint arises regarding an officer’s conduct it shall be referred to the supervisor on-duty in the policing district where the contract service is being performed. When the complaint is not resolved and is not assigned to the Internal Affairs Bureau, the decision as to the assignment of the complaint will be made by the Patrol Commander. Concerns relating to the terms or execution of the contract that are not of an immediate nature shall be referred to the CLES Coordinator or Special Events Coordinator as appropriate.

Reports
Reports, which were the result of an incident occurring on the contractor's premises, shall be written by the contract officer.

When activities such as report writing result in contract officer time in excess of that which was contracted, the contract officer shall notify the CLES Coordinator or Special Events Coordinator as appropriate by voicemail with the reason for and length of time involved with the activity.

Supervisor Responsibilities
Supervisors assigned in the district where a contract event is occurring shall be responsible for supervising the contract officers including any associated administrative duties.

- The contract officers shall be contacted at least once during their shift.
- Supervisors will ensure that contract officers are not dispatched on calls or otherwise leave the assignment unless the call is occurring on the contractor’s premises or the call is an emergency and it is occurring in the immediate area.

Exception: When sergeants are working in a contract capacity they shall be responsible for any administrative duties associated with the contracted event (i.e., the investigation of complaints against contract officers including officers who fail to appear as assigned).

Applying for Pay
When a contracted assignment is completed, the officer(s) who worked the assignment shall complete an OTTO request and mark the designated special project box (e.g. ‘S4’ for Contract Services).

- The OTTO request will automatically be routed to the CLES Coordinator or Special Events Coordinator as appropriate for review, approval, and submission to the Fiscal Affairs Bureau.
- Officers shall receive overtime compensation at the hourly rate agreed to in the MOU.

Court time which results from contracted law enforcement services shall not be charged to the contractor.

F. 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 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 week. 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 work week.

**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 exceeding the 16 hour limit) from their Department duties using their accrued leave hours, excluding their accrued sick leave.
A. **Member’s Responsibility**

When an injury is incurred while on-duty, the member shall notify their supervisor immediately. All members shall comply with the following instructions, whether on-duty or off-duty.

**Long Term Absence Member (LTA Member)**

LTA Member 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. Members off for 40 hours or more are considered to be on long term absence.

When a member is on Long Term Absence (LTA) and is placed on injury pay or medical absence (non-industrial related) for a specific injury, the member will be carried on that disability status and respective pay until that member is released to full duty or placed in a modified duty assignment.

**Initial Notification**

Immediately upon learning that they meet or reasonably anticipate meeting the criteria of LTA, members shall notify their immediate supervisor, the Duty Office (if assigned to the patrol matrix), and, the Long Term Absence (LTA) Coordinator, and provide the following information:

- Their name and a phone number where they can be reached;
- Whether the injury/illness was incurred on-duty or off-duty;
- The anticipated length of disability;
- The date available for temporary modified duty assignment;
- The attending physician's name and telephone number;
- The current physical limitations;
- Their next appointment with their physician; and
- Copies of all Medical Status Report Forms.

Any member sustaining a work-related injury that requires relief from duty is required to be examined/treated by a physician from the Workers' Compensation Alternative Dispute Prevention and Resolution Program (ADR) list of providers. Non-sworn members may pre-designate a physician or select from the Medical Provider Network. The ADR list may be obtained from the LTA Coordinator or the Duty Office.

Hospital emergency rooms should be used only in cases of extreme emergency or when other service providers are unavailable (e.g., after normal business hours for those on the ADR list).

**Work Status Update**

Injured members shall provide an updated status report to the LTA Coordinator on their condition and recovery status (e.g., release date, performance limitations, etc.) in the event of a work status change. The work status reporting requirement applies to members on temporary modified duty, as well as members on injury leave. This update should be provided via email, but may be made via phone call.

All required Medical Status Reports shall be provided to the LTA Coordinator.

**EXCEPTION TO WORK STATUS UPDATE**: FMLA or CFRA with a predetermined return date.

**Medical Appointments Related to On-duty Injuries**

Members are responsible for scheduling and keeping all medical appointments related to their injury, and cooperating with their established medical treatment plan. Members shall make every attempt to seek prompt treatment for their injury in order to facilitate their return to work.
Members are required to appear for medical examinations, treatments and procedures as scheduled.

When a member is unable to attend a scheduled appointment, or wishes to reschedule an appointment, the member will reschedule the appointment with the care provider, then report back to the LTA Coordinator with the new date and time for the appointment.

Members are responsible for providing a doctor’s note, or verification of the visit, to the LTA Coordinator for every medical appointment related to an on-duty injury. The note must specify which injury the appointment was for in order for the member to be compensated for the absence.

For members on disability leave or assigned to temporary modified duty (light duty); medical appointments should be scheduled during regular or modified duty hours, whenever possible.

For members released to full duty but still attending medical appointments, reasonable efforts should be made to schedule those appointments outside of normal working hours or on days off.

If a member assigned to temporary modified duty or released to full duty attends an OJI-related medical appointment while on duty, an OTTO entry shall be submitted for Job Injury Pay.

**Medical Status Report Form**
The supervisor contacted by the member shall provide the injured member with a Medical Status Report Form. The member shall have these forms completed by the attending physician at the time initial medical treatment is provided for any work-related injury. The completed form, along with any other necessary paperwork, shall be forwarded to the Personnel Bureau, LTA Coordinator as soon as practical.

Members shall take blank copies of the Medical Status Report Form to each subsequent appointment with their treating physician. The form or other approved report form shall be completed by the physician, or designee, and returned via FAX or mail to the Personnel Bureau, LTA Coordinator as soon as practical. Failure by the member to take blank copies of the Medical Status Report Form to each visit with their treating physician may impact the member’s Worker’s Compensation claim.

Members suffering from injuries that are not work-related, and are requesting temporary modified duty assignments, shall have their treating physician the complete Medical Status Report Form. The forms shall be forwarded to the Personnel Bureau, LTA Coordinator, for consideration. Blank copies of the Medical Status Report Form will be available in the library under the “U” drive or from the Personnel Bureau.

**Activity Restrictions**
LTA members, and members on temporary modified duty (light duty), shall not become involved in nonessential activities that may aggravate their injury or interfere with medical treatment. For sworn members, these same restrictions apply absent a life-threatening emergency that requires an immediate response and the use of peace officer powers.

LTA members, and members on temporary modified duty (light duty), are prohibited from working outside employment. Any approved work permits are suspended until the member returned to full duty. Exceptions to this provision may be approved on a case by case basis by the Chief of Police or designee, with written approval from the members treating physician that the work performed does not interfere with the progress of the member’s treatment, and is congruent with the physical limitations imposed on the member.

LTA members shall not participate in any activities that require them to be in uniform.

Members assigned to attend (or who request to) attend training while temporarily disabled shall seek approval from their commander prior to attending. LTA members shall not participate in any physical training activities beyond that which would be required by their temporary modified duty assignment.
OTTO Time Tracking

Members on temporary modified duty will be assigned to a temporary work location within the Department. The shift and work schedule will be determined based on the work location assigned. The supervisor of their temporary assignment workplace will serve as the member’s immediate supervisor/manager for OTTO tracking purposes. All requests for time off (vacation, holiday, CTO) must be sent to the member’s temporary supervisor / manager, with the exception of time off for OJI-related medical appointments, which are sent to the LTA Coordinator and listed as Job Injury Pay.

Members released to full duty who are required to attend ongoing OJI-related medical appointments during working hours are required to submit an OTTO entry for Job Injury Pay, which is forwarded to the LTA Coordinator for approval.

B. **Temporary Modified Duty Assignments**

The Department may offer temporary modified duty assignments to members who are unable to perform their usual and customary duties. Modified duty assignments will be made based on the needs of the Department. Members being treated for an on-duty injury shall inform the attending physician that a temporary modified duty assignment is available at the Department.

Members incapacitated, but who are expected to return to their regular duties in less than one week, may be allowed to remain in their Division. Upon learning their absence from regular duties will continue beyond one week, members shall immediately notify the Duty Office (if assigned to the patrol matrix), and the LTA Coordinator.

Members who are eligible for temporary modified duty, and have been released by their doctor to perform modified duties, shall immediately contact the LTA Coordinator for assignment.

- Prior to commencing their assignment, members shall provide their Medical Status Report and any doctor’s notes to the LTA Coordinator.
- Members will report to their assignment in training attire unless arrangements have been made with their assigned supervisor to accommodate medical disabilities.
- Any members who learn they are to be released to full duty shall immediately notify the Duty Office (if assigned to the patrol matrix) and the LTA Coordinator. The member shall also forward written verification of the release to the Duty Office and the LTA Coordinator.
- Members will not be allowed to resume duty until a completed Medical Status Report, or doctor release, is received.
- The completed form/release may be faxed to the Duty Office/ LTA Coordinator.
- Sworn members’ range training/qualification status must be current prior to resuming their regularly assigned duties.

The Department has the right to limit the number of temporary modified duty positions. All temporary modified duty assignments will be made by the Personnel Bureau, or as otherwise directed by the Chief of Police.

Members assigned to a temporary modified duty assignment may be assigned to work a 5/8 schedule, with work hours and days off based on the needs of the Department. Exceptions involving temporary modified duty assignments and/or work schedules shall be at the direction of the Personnel Bureau Commander, or as otherwise directed by the Chief of Police.

Some modified duty assignments are staffed 24/7 with personnel assigned to three (3) or more shifts with varying days off. Modified duty position will be filled by Chief’s right of assignment. Personnel temporarily assigned to these units may be allowed to select a detail from any vacant modified duty detail available. Movement from one modified duty detail to another more desirable modified duty detail within these units will be based upon department needs and is not based on department seniority.

Once assigned to a temporary modified duty assignment, the members shall ensure OTTO accurately reflects their temporary supervisor/manager when submitting for any time off, except injury leave, which
is to be submitted to the LTA Coordinator for approval. Members shall ensure medical appointments, including physical therapy and workers’ comp appointments during work hours, are accounted for in OTTO. Injured members will provide medical documentation to their temporary supervisor/manager and the LTA Coordinator for verification in OTTO.

When a member assigned to temporary modified duty becomes unable to work in this capacity per doctor’s order, the LTA Coordinator and the member’s temporary immediate supervisor shall be notified. The member shall ensure OTTO accurately reflects his/her regular supervisor/manager before being placed on injury leave.

**Duration of Assignment**

Temporary modified duty assignments may be limited in duration depending on departmental needs. Generally, modified duty assignments are limited to six months, although the Department may extend light duty assignments on a case by case basis.

**C. Injury not Requiring Medical Attention**

Those injuries not requiring medical attention shall be recorded on an SRI form. This form shall be completed, signed by a supervisor, and forwarded to the Personnel Bureau at the end of the shift. This form shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing this form, the member will not preclude his/her ability to seek medical attention later.

**D. Admission to Hospital**

When a member is admitted to a hospital, a district, operations or field commander will determine whether to request a “normal” admission or a “security” admission. Notification to the LTA Coordinator is required.

**Normal Admission**

A normal admission shall be requested when there is no necessity for security associated with the member’s stay at the hospital. Normal hospital procedures shall apply to the member/patient. The Department will not request any special conditions regarding access to the member.

**Security Admission**

The Chief of Police, or his/her designee, shall determine the necessity for a police guard. When a police guard is necessary, the injured member’s supervisor shall ensure a police guard is provided. The guard shall be placed at a location that will prevent unauthorized access to the member’s room. Only those persons who have a valid reason to see the injured member will be allowed entry.

**E. In Line of Duty Death**

When the death of a member is believed to be in the line of duty, the Employee Services Coordinator will be a liaison between the member’s family and the Department. The Coordinator will guide the member’s family through the process of filing for Federal, Workers Compensation, retirement, and other available benefits.

**F. Supervisor’s Responsibility**

**Authorization for Medical Care**

Supervisors shall complete an Authorization for Medical Care form before a member seeks medical attention, when possible. Supervisors shall refer members to medical facilities within the Medical Provider Network (MPN), on the workers’ compensation list of “first treatment sites”, unless the non-sworn member has pre-designated their personal physician, in writing, prior to the current injury. Sworn members shall be referred to one of the ADR providers.

**Supervisor’s Report of Injury (SRI) Form**

The supervisor shall complete the Supervisor’s Report of Injury Form (SRI) when any injury/illness arising out of a member’s employment is reported. The SRI shall contain the case number (when applicable) and a detailed account of exactly how the injury occurred. Even when self-administered first
aid is the only treatment required, an SRI must still be completed. The form should be completed before the end of the shift during which the injury is reported.

**Employee’s Claim for Workers’ Compensation Benefits Form**

Every injured member must be provided with an Employee’s Claim for Workers’ Compensation Benefits Form (DWC1) within 24 hours, in the event the member will be missing work or seeking medical attention.

The supervisor shall complete the ‘Employer’ section. The injured member, and not the supervisor, shall complete the ‘Employee’ section when the member will be missing work or seeking medical attention. A copy of the DWC1 form shall then be given to the member as their claim receipt.

**Note:** If a member is unable to complete the DWC1 form at the time of the injury, the supervisor shall make a copy of the partially completed form to send in with the SRI, and give the claim form to the member. The member shall complete the DWC1 claim form as soon as possible and return it to the Personnel Bureau.

**Medical Status Report Form**

The supervisor shall provide the injured member with a Medical Status Report Form. The member shall have this form completed by the attending physician at the time medical treatment is given. The completed form shall then be forwarded to the Personnel Bureau.

Department members shall take a blank Medical Status Report Form to each follow-up doctor visit. This form shall then be faxed or mailed to the Personnel Bureau. Forms are available at each district station or from the Personnel Bureau.

**Distribution of Forms**

The SRI and DWC1 shall be faxed (or emailed) to the LTA Coordinator (457-1123) prior to forwarding the originals. The original SRI and original DWC1 shall be forwarded to the Personnel Bureau within 24 hours of the reported injury/illness.

When a member returns the DWC1 to his/her supervisor, the DWC1 shall be faxed (or emailed) to the LTA Coordinator (457-1123) in the Personnel Bureau. The original and remaining copies shall be forwarded to the Personnel Bureau within 24 hours of its return by the injured member.

**OTTO Time Tracking**

Members on temporary modified duty (light duty), are required to submit OTTO requests for time off, including vacation, holiday, CTO.

For members on temporary modified duty (light duty), the supervisor of their temporary assignment workplace will serve as the member’s immediate supervisor/manager for OTTO tracking purposes. This supervisor/manager is responsible for ensuring the injured member submits for all time off, to include medical appointments (e.g. physical therapy or workers’ comp appointments). This supervisor/manager will temporarily serve as the members’ supervisor/manager for all leave requests, except injury leave, which is to be submitted to the LTA Coordinator for approval. The member shall provide a copy of medical documentation to the LTA Coordinator upon returning to work after a medical appointment. The note must specify which injury the appointment was for in order for the member to be compensated for the absence.

**G. Bureau/District/Section Commander/Manager Responsibility**

It is the responsibility of the LTA member’s regular Bureau/District/Section Commander/Manager (or designee) to maintain weekly contact with said member and to determine any changes or updates to his/her status. Any changes/updates to the member’s status shall be brought to the attention of the LTA Coordinator in the Personnel Section.
The Bureau/District Commander/Manager, as soon as it is medically permissible, shall personally contact the member to determine his/her condition and inquire whether or not any assistance may be rendered.

When a member is determined to be LTA or has been assigned to temporary modified duty (light duty), their Commander/Manager shall ensure the member has signed the “Memorandum to Injured Employees”, and understands the information and instructions in the memo.

The Commander/Manager shall designate a representative who shall be the Bureau/District contact person for members on temporary disability due to industrial injury or illness. In cases where there is traumatic injury or illness, hospitalization, or family members in need of assistance due to incapacitation of a Department member, the Bureau/District designee may contact the appropriate personnel for assistance. LTA members shall be contacted on a regular basis, at least once per week, to determine the status of the injured/ill member and document the anticipated recovery time. The contacts may be made telephonically or, when appropriate, in person. A record of this contact, either memo or e-mail, shall be forwarded to the Commander/Manager and the LTA Coordinator.

When a member is LTA while recovering from an off-duty injury or illness, the Commander/Manager shall make regular contact with the member throughout the recovery process. Whenever issues or concerns are brought to the attention of the Commander/Manager by an injured member or member's family, available resources should be considered to remedy the situation.

Commanders/Managers should remain aware of positions under their command that could be filled with temporary modified duty (light duty) personnel. The availability of these positions should be communicated to the LTA Coordinator for consideration when light duty personnel become available.

H. Personnel Bureau Responsibility

Once it has been determined by a medical professional that a member is permanently unable to return to full duty, the member will be removed from any assigned temporary modified duty and will be placed on injury pay (for accepted workers’ compensation claims, provided leave time is still available) or use personal time accruals for other absences that are not accepted workers' compensation claims in accordance with the applicable MOU and salary resolution. The Department will initiate the interactive process with Risk Management. Risk will schedule an alternate work search with the member. In the event the member does not accept another position within the City, the interactive process will conclude and Risk will notify the Personnel Bureau.

The Personnel Bureau will prepare a letter to the member stating temporary modified duty assignments will no longer be available. The member’s commander will also be notified. The injured member will remain on appropriate leave time pending separation from the Department.

Depending on time vested and retirement eligibility, the options available to the member are: filing for service connected disability retirement, filing for service retirement, resigning or termination. Members may file for both a service and service connected disability retirement, with the understanding that separation from the Department has occurred, while the disability retirement process is completed.

Role of the LTA Coordinator

The LTA Coordinator acts as the central point of communication and case management for injured members and the Department, and acts as the Department’s point of contact with other stakeholders, including the City’s Third Party Administrator, medical providers, City Attorney’s Office, Risk Management, and others.

Responsibilities of the LTA Coordinator include (but are not limited to):

- Receiving the initial notification of an injured member;
- Ensuring contact and progress updates with injured members;
- Maintaining and distributing a weekly status report of all injured members;
• Liaison between the Department and the Third Party Administrator’s primary case manager;
• Liaison with medical providers (physicians, therapists, chiropractors, radiologists, etc.);
• Assigning temporary modified duty (light duty) assignments; and
• Supervisor / Manager for temporarily disabled members.

I. **Division Commander Responsibility**
Long Term Absence personnel may be assigned other temporary modified duty assignments to meet the needs of the Department. Division Commanders seeking a change to a temporary modified duty assignment will contact the Chief of Police for concurrence with the proposed change. Following this decision, the Division Commander will advise the Personnel Bureau of the change. The Personnel Bureau will notify the affected personnel of the change in assignment within 24 hours to allow for changes to the detail and/or work schedule.

J. **Fiscal Affairs Responsibility**
Members who are absent from work due to a work-related injury shall be placed on injury pay in accordance with the provisions of *Fresno Municipal Code* §3-118, *Administrative Order* §2-22 and *Labor Code* 4850.
A. **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.

The review committee will meet at police headquarters during normal business hours. Employees wishing a review of their tattoos shall schedule an appointment by calling the Chief’s Office. Employees will meet with the review committee and state the reasons they believe qualify them for exemption of the no visible tattoos policy. Employee presentations shall not take longer than five minutes and they are not entitled to representation during the process. The process will not involve a debate on the merits of the employee’s reasons, but review committee members may ask the employee clarifying questions. During this meeting with the review committee, the tattoos the employee is requesting to be visible will be photographed. If the tattoo is allowed to be visible, then a copy of the photo of the exempted tattoo will be kept on file in the employee’s personnel file in the Personnel Bureau and in the employee’s divisional file, along with a letter of exemption. Supervisors should review the employee’s file to ensure policy compliance.

Employees will not be allowed to use overtime to meet with the committee, but may attend on duty with their supervisor’s permission. The committee chair will inform the employee of the committee’s decision, in writing, or by electronic mail, within 48 hours.

If the employee does not agree with the committee’s decision, the employee can appeal that decision to the Chief of Police or the Chief’s designee. The decision of any appeal to the Chief shall be final.

If an employee chooses to file a grievance or otherwise appeal the Chief’s decision, then the ability for all employees to have their tattoos reviewed and exempted from the no visible tattoos policy will no longer exist. Furthermore, any previously permitted tattoos will no longer be permissible and all tattoos will be required to be covered, regardless of any previous allowances for their display.
A. **Community Service Officer (CSO) Responsibilities**

CSO’s shall:

- Perform assignments which involve responsible public contact work in crime prevention and the delivery of non-emergency police services as assigned;
- Not be responsible for or assigned tasks relative to the immediate apprehension of suspects or known criminals;
- Not confront or pursue subjects when the incident may lead to a physical encounter between the subject and the CSO; and
- Not take any enforcement or prevention action to in-progress incidents. CSO’s shall immediately report the location and nature of the incident and assume the role of a witness.

B. **Prohibited Activities**

CSO’s shall not be dispatched to or assigned to perform any police service when there is a likelihood that the CSO may come in contact with the perpetrator of the crime, or any other hazardous situation.

C. **Specific Field Assignments**

CSO’s may be assigned to calls involving:

- Prior burglary with suspect not present;
- Prior vehicle burglary with suspect not present;
- Follow-up with suspects not present;
- Non-injury and minor-injury vehicle accidents;
- Vehicle blocking a driveway;
- Abandoned vehicle;
- Illegal parker;
- Other traffic problem;
- Barking Dog;
- Prior threatening phone call;
- Missing person other than foul play;
- Suspicious person, information only;
- Prior prowler report;
- Public assist;
- Prior stolen vehicle report;
- Recovered or unfounded stolen vehicles;
- Prior bike theft;
- Prior theft from vehicle;
- Prior theft of vehicle accessories;
- Prior grand theft;
- Prior petit theft;
- Lost property report;
- Found property report;
- Prior vandalism;
- Noise or other disturbances that involve no contact with the offender; and
- Other calls approved by a supervisor or the Department.

CSO’s may be assigned to various support service tasks within any division of the Department.
D. **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.

While investigating vehicle accidents, when the CSO suspects that any party to the accident has committed a crime (except offenses for which a CSO may issue a citation), the CSO shall immediately call for an officer and a supervisor. Once the officer has stabilized the situation, the CSO shall continue his/her investigation unless advised by the supervisor to do otherwise.
A. **Police Cadet I**

Police Cadet I duties include, but are not limited to:

1. Completing police reports after conducting non-hazardous investigations;
2. Collecting evidence at crime scenes;
3. Booking property and evidence;
4. Processing and identifying persons through fingerprints;
5. *Traffic and parking control*;
6. Performing related clerical duties; and
7. Other unspecified non-emergency duties as assigned by their assigned supervisor.

B. **Police Cadet II**

Police Cadet II duties include, but are not limited to the following:

1. Transporting and/or booking of in-custody arrestee(s) to/from the FCJ, FCJH and HQ/IDS;
2. Serving arrest warrants on arrestee(s) that have been transported to the FCJ or FCJH for such warrant arrest;
3. Providing standby guard duty for injured prisoners and prisoner standby;
4. Traffic and parking control;
5. Investigation of non-injury traffic collisions;
6. Assist police officers with non-enforcement duties as needed;
7.Completion of paperwork related to their duties;
8. Other unspecified transportation or non-enforcement duties as assigned by the Division Commander and approved by their assigned supervisor; and
9. Attending the Police Academy when assigned to do so.

Police Cadet II’s assigned to transportation duty (the "wagon") will be assigned to the *Traffic Section*. These Cadets will not be responsible for the completion of the paperwork related to an arrest by a police officer unless requested to do so by their supervisor. Police Cadet II’s shall only be dispatched to transportation calls while working in this capacity.

Police Cadet II’s shall respond to calls for service only when they are requested to do so by an officer at the scene or dispatched by the ComCen. They shall not respond to in-progress incidents unless it involves one of their specified duties, (i.e. traffic collisions). When a Police Cadet arrives on, or is confronted by, an in-progress incident, he/she shall immediately report the location and nature of the incident and assume the role of a witness *including leaving the immediate area of the call if necessary*.

Police Cadets are prohibited from having ride-a-longs.

C. **Safety Issues**

Upon arrival at a call, or during the investigation of an incident, when the cadet becomes aware of a potentially hazardous situation or the actual nature of incident is found to be other than one specified for a cadet to handle, the cadet shall immediately request an officer to respond. The cadet shall take whatever steps necessary to protect him/herself including leaving the immediate area of the call.

When, while investigating an incident, a cadet suspects that a crime has been committed and enforcement action may be necessary; he/she shall request that an officer respond. Once the officer has stabilized the situation; the cadet shall continue his/her investigation unless advised otherwise by the officer or supervisor.
During transport, a Police Cadet II may use physical force to prevent an escape, overcome resistance or to defend themselves and others from injury. (See Procedure § 300, Use of Force).

The Police Cadet II is allowed to possess his/her Department issued firearm only while engaged in specific duties outlined under Sections B1, B2, and B3. When not performing duties outlined above, Cadet II’s shall transport and store their Department issued firearm consistent with State law. Cadet II’s are subject to the same range qualifications as listed in Procedure § 312E.

D. Police Cadet Staffing Requirements
- Police Cadet staffing is subject to the needs of the Department; and
- When Police Cadet II’s not are available to serve as transportation officers, the Department may order back a Police Cadet II to fill the vacant slot, or utilize an extra patrol officer to function as a transportation officer.
A. **Purpose**
Social media may be used to provide information to our community. Information not appropriately shared with the public in other settings should not be posted via social media platforms either. This applies to written, audio, photographic and video information.

Work related use of any Department or City social media site by Department members is limited to platforms approved by the Chief of Police and administered by the Department PIO. In order to utilize an approved platform, the member must be authorized to release information per Policy §346, and utilize an account that is approved by the PIO.

B. **Approved Uses of Social Media**
Department members may utilize social media sites:
- As an investigative tool to seek evidence or information regarding: missing persons; wanted persons; gang participation; crimes perpetrated online (i.e., cyberbullying, cyberstalking); and photos or videos of a crime posted by a participant or observer;
- For community outreach and engagement including: Providing crime prevention tips; offering online-reporting opportunities; sharing crime maps and data; and soliciting tips about unsolved crimes (i.e., Crimestoppers, text-a-tip);
- To make time-sensitive notifications related to road closures, special events, weather emergencies, and missing or endangered persons;
- As a recruitment mechanism for persons seeking employment and volunteer positions within the Department; and
- As otherwise approved by the PIO.

B. **Conduct**
When using social media in an administrative capacity or as an agency representative for Department business, all City regulations, rules and standards of conduct are applicable. Use of City systems including cell phones, email, computers, Internet, etc. for social media that is not related to City of Fresno business operations is prohibited. The City’s systems shall not be used for personal gain and/or benefit.

Members authorized to use social media in an administrative capacity or as an agency representative for Department business will:
- Prior to use, ensure they have the appropriate knowledge of how the account and platform work. This is gained through training received by the PIO or other properly trained supervisor;
- Utilize the account to disseminate information in a timely manner;
- Act in a respectful manner, maintaining professionalism in their interactions on social media sites;
- Post information in a factual and clear manner that summarizes the event, but keeps the post to a minimum. Brevity and photos are the preferred methods of relating an incident.
  - Photographs which have been downloaded and/or emailed to a supervisor to be used for the Fresno Police Department Facebook page or End of Watch Report shall be identical to those photographs that were downloaded into DMMS;
- Maintain the privacy of information in accordance with the provisions of Policy §810 - Release of Records and Information. This includes, but is not limited to;
  - Applicable privacy protection laws [Health Insurance Portability and Accountability Act (HIPAA)]; and
The release of photos and/or videos which might compromise the privacy of citizens (e.g., the interior of their residences, faces of uninvolved persons, juveniles or license plates). Generally, photos of areas not open to public view should not be posted.

- Identify themselves at the conclusion of each post by name, badge number and assignment. This will allow for identification of the person making the post; and
- Log out of the account when not in use;

Members may respond to questions regarding Department policy on the posts they created. All other inquiries shall be handled by the PIO.

Members authorized to use social media in an administrative capacity or as an agency representative for Department business shall not:

- Modify any account settings or delete posts unless expressly authorized by the Chief of Police or PIO;
- Engage in exchanges that are offensive and/or adversarial; and
- Misrepresent any information.
Appendix A - Investigative / Report Writing Checklist

Appendix B - Report Form (Hard Copy) Completion

Appendix C - Roll Call Training Bulletins (RCTB’s)

Appendix D - Shoplifter Release Program
Appendix A

Investigative / Report Writing Checklist
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MANDATORY OR POSSIBLE DOCUMENTATION REQUIRED:

DOMESTIC VIOLENCE

- Law Enforcement Report
- Confidentiality Form
- Emergency Protective Order (EPO)
- Arrest Report (AR)
- Probable Cause Declaration (PCD)
- Domestic Violence / Victim Form Letter
- Property for Safekeeping Receipt *(if applicable)*
- Property Evidence Report (PER) *(if applicable)*

RAPE/SEX OFFENSES

- Law Enforcement Report
- Confidential Form
- Emergency Protective Order (EPO) *(if applicable)*
- Arrest Report (AR)
- Probable Cause Declaration (PCD)
- Sexual Assault Victim Form Letter
- Property Evidence Report (PER) *(if applicable)*
- Blood/Urine Evidence Envelope *(if applicable)*

KIDNAPPING/MISSING PERSONS

- Law Enforcement Report
- Arrest Report (AR)
- Juvenile Arrest Report (JAR) *(if applicable)*
- Probable Cause Declaration (PCD)
- Missing Person Report
- Returned Missing/Runaway Person Form
- Missing Persons Close Out Form

NARCOTIC/DRUG OFFENSE

- Law Enforcement Report
- Arrest Report (AR)
- Probable Cause Declaration (PCD)
- Juvenile Arrest Report (JAR) *(if applicable)*
- Property Evidence Report
- Blood/Urine Evidence Envelope *(if applicable)*

TRAFFIC COLLISIONS

- Traffic Collision Report
- Citation *(if applicable)*
- Vehicle Report Form
- Sobriety Report *(if applicable)*
- DMV Officer’s Statement/Admin Per Se Form (DS 367)
- Under 21 Admin Per Se Form (DS 367M) *(if applicable)*
- Arrest Report (AR) *(if applicable)*
- Juvenile Arrest Report (JAR) *(if applicable)*
- Probable Cause Declaration (PCD) *(if applicable)*
- Blood/Urine Evidence Envelope
- Verbal Notice Form (DL 310) *(if applicable)*
- Request for Reexamination of Driver
- Vehicle Report Form

DRIVING UNDER THE INFLUENCE

- Law Enforcement Report
- Arrest Report (AR)
- Probable Cause Declaration (PCD)
- Juvenile Arrest Report (JAR) *(if applicable)*
- Sobriety Report
- DMV Officer's Statement/Admin Per Se Form (DS 367)
- Under 21 Admin Per Se Form (DS 367M) *(if applicable)*
- Blood/Urine Evidence Envelope
- Vehicle Report Form
- Traffic Collision Report *(if applicable)*
- Citation
Fresno Police Department

Burglary Investigative/Report Writing Checklist

The preliminary investigation of a burglary must provide sufficient detail for possible follow-up investigation by an assigned investigator. In addition to the general report information, the officer on scene should describe the following:

Information from the general report has several important elements that need to be captured:

- Location of burglary - specific addresses and other geographical designators, i.e., reporting districts; areas; sectors, crime cluster area.
- Date(s) and time(s) of occurrence. This will be specific dates and times or date/time ranges.
- Specific property loss information including quantity, article name, make, model, identification numbers, miscellaneous description and value.
- Physical evidence recovered or processed at the scene.
- Any suspect and/or suspect vehicle information.

A. Location

Clearly describe the structure and surroundings of the location burglarized. This will provide the investigator, or who ever reads the burglary report a mental picture of the scene. It is nice to know if the location has an alley to the rear, if there is a school nearby, etc.

1. An example might be for a residential burglary ..."the residence is described as a single family single story residence of wood and stucco construction. It is located in a lower income residential arm." A commercial burglary example could be ... "the business is located in a light industrial area. The building is of block-lite and sheet metal construction."

2. Another description would be of the type of location such as single family residence; apartment; condominium; warehouse; attached garage; detached garage; convenience store; etc.

B. Entry

To the best of your ability, determine how the perpetrator entered the residence or business. More specifically determine, if possible, the following:

1. Method of Entry:

   - Unlocked
   - Pried
   - Broke Glass
   - Channel Locks
   - Slim Jim/ Coat Hanger
   - Body Force
   - Cut Pad Lock
   - Removed Door, etc.
   - Explosive
   - Vehicle

   - Common Ceiling/Wall
   - Cut Glass
   - Cut Hole
   - Cut Screen
   - Kick Door
   - Lock Punch
   - Saw/Drill
   - Hid in Building
   - Lock Box
   - Pass Key
C. Actions

Based on information from the victim/reporting person, describe the known actions of the suspect once entry was made. For example, if a television was taken from a dresser in the master bedroom, we know that this was one of the actions of the suspect. Documentation of what types of things were disturbed in a scene may also assist in establishing the suspect's M.O. (Modus Operandi - Method of Operation). More specifically these actions could be one or more of the following. This list is not complete but rather just a few examples for illustration:

- Arson
- Ate/Drank at Scene
- Defecated
- Used Gloves
- Used Matches
- Ransacked Premises
- Put Property in Pillow Case
- Selective in Property Taken
- Smoked at Scene
- Urinated
- Vandalized
- Wiped Away Prints
D. Exit

Determine how the suspect left the scene.

- Were all the doors locked when the victim left and upon the victim's return?
- How large was the entry and how big were the stolen items?
- If a large item is reported missing, and the entry is too small for that item to be passed through, then check to see if a door/window was unlocked upon exit.

This is only the start. If the investigating officer is not satisfied, then continue to investigate.

E. Alarms/Cameras

Ask the victim if there is an alarm or camera.
Check the area for possible locations of video cameras.
Child Abuse Investigative/Report Writing Checklist

- Interview the person who made the report, victims, and witnesses who are available. *(Interview them away from others)*
- Determine the who, what, where, when, why, and how.
- Determine the current relationship between R/P, suspect, and victim.
- Determine who had responsibility for the child when the child was injured.
- Evaluate and document the victim's emotional and physical condition.
- Compare the injuries to the statement, are they consistent?
- Document the injuries and/or lack of injuries.
- Determine if the child has suffered, or if there is a substantial risk the child will suffer physical abuse, neglect, or endangerment, and/or whether a crime has been committed.
- Determine if there are other children in the home that may be at risk.
- Determine if the child/children will be placed with CPS.
- Has CPS been notified, and/or do you need to check CPS history?
- Does an EPO need to be issued?
- Do photographs need to be taken?
- Is there a crime scene that needs to be evaluated and protected?
- Document name of treating physician, obtain copy of EMS, and/or doctor’s notes.
- Are the elements of a felony or misdemeanor child abuse/endangerment present and have you documented those conditions in your report.
- Serious Injuries.
- Notify sergeant of call.
- Document people currently living in the household.
- Has parent sign medical release form *(can be provided by hospital)* on serious cases.
- Do child abuse detectives need to respond?
- Things to consider:
  - Parents have a right to discipline their children; however the punishment must be necessary and not excessive in relation to the circumstances.
  - Physical punishment constitutes "Child abuse," only when a person willfully inflicts, or permits, "unjustifiable," physical pain or puts the child in a position where its health is endangered or willfully inflicts "cruel or inhumane," corporal punishment or injury which results in a traumatic condition.
  - Unjustifiable means it was not warranted by the circumstances, not necessary, or that although warranted it was excessive.
  - Traumatic condition can include a minor wound, or external or internal injury, however it still must be the result of cruel or inhumane corporal punishment to qualify as a child abuse. In other words, there is a huge difference between the situation where a parent has spanked a child on its bottom, leaving some minor marks (which would not qualify as a "traumatic condition") and the situation where a parent has hit the child and caused a swollen eye, cut lip, or marks on the face or body part where no child should ever be hit.
  - Arrests are not normally made on abuse/neglect cases; however circumstances may be such that an arrest/citation would be prudent. Is the perpetrator a flight risk? Does the child continue to be at risk? The victim is not further traumatized by a protective custody placement vs. an arrest. The offense is so serious that an arrest/cite is prudent.
Fresno Police Department

Child Molest Investigative/Report Writing Checklist

- Interview the victim and each witness. Away/Alone from any others, especially parents.
- Cross report with CPS, they may have history on family and will also follow up with family. Note in report if CPS responded and name of social worker.
- Make the setting as comfortable as possible, without distractions, but allow the child room to move around a little.
- Do not interview the child alone. Have another officer or some neutral party present.
- Do not interview the child in the presence of the parents, unless the child insists, and the parent is not a suspect. Instruct the other party not to react to what the child says.
- Try to evaluate the child's social, intellectual, and physical development.
- If the child is old enough, ask if he/she keeps a diary.
- Put the child at ease by beginning with general, non-intrusive questions.
- Attempt to establish the child understands of the importance of the truth. Articulate the same in your report.
- Assure the child that he/she is not in trouble, or did anything wrong.
- Avoid “why” questions. They sound accusatory, and may trigger feelings of guilt. Also, the child may be protective of the suspect. The child may be willing to tell what happened in neutral terms, but may hesitate to answer if they think they are getting the suspect in trouble.
- Avoid asking a child “leading” questions. Avoid asking them “if” something happened, instead, ask them “what” happened, or “what happened next?”
- Have the child draw a picture or use a doll to help the child identify body parts.
- Use terms the child uses for body parts. Do not assume that you know what these terms mean to the child. Include the exact meanings of these terms in your report.
- Attempt to isolate individual incidents, since each is another count that can be filed in court.
- If the child has trouble recalling exact dates and times, use holidays, seasons, televisions shows, birth dates, etc., as references.
- Interview all the siblings and residents in the home.
- Identify the non-offending parent and interview them.
- What did the victim say when reporting the incident?
- Who did victim tell? Interview them. What was victim's demeanor with them?
- Is there any sexually explicit material in the home? Explain.
- Does the child describe the use of foreign objects, e.g. Vaseline, condoms, pornography, etc., are there such items in the home? If so, seize them.
- What are the sleeping arrangements in the home?
- What did the offender say and/or do before, during, and after the act(s)?
- Please find out who, what, when, where, and how.
- Who: Can the victim positively identify the suspect? How?
- Where: Identify addresses and locations of occurrence.
- When: Determine the first and last occurrences and any in between.
- Especially the last occurrence (for evidentiary purposes).
- Why: Is this delayed reporting? Why reporting now?
- Custody issues, discipline.
- What is the child’s physical condition? Get a brief statement form the doctor and include it with any available medical reports.
PROTECT THE CRIME SCENE/EVIDENCE.

- Secure the scene. If the victim is transported to the hospital, have an officer standby at the scene until the extent of the crime and crime scene are determined.
- Collect all possible evidence, clothing, bedding, wash cloths, towels, used tissues, etc.
- Request CSIB to preserve any trace evidence, hairs, body fluids, etc.
- Book any evidence of sexual activity, pornographic materials, photos/videos of children not related to the suspect.
- Photographs of victim’s injuries, crime scene, and physical evidence to corroborate victim’s statement.
- Fingerprints to prove presence of victim in suspect’s residence, or vice versa.
- Background information from RMS, CII, and CPS for use during victim interview and suspect interrogation.
- If a search warrant is necessary, contact SAU Sergeants to coordinate SAU Detective response.

STATEMENTS:

- Obtain a complete victim statement. If victim is between the ages of 3 and 12, advise your supervisor, who may request contact with Detectives to determine if MDIC is necessary.
- Interview the first person the victim spoke to after the event. What did the victim say (who/what/where/when/why)
- Interview parents/siblings/neighbors, etc. for possible witnesses. May not be direct witnesses to act, but may be able to place victim and suspect together at the time, or corroborate one portion or another of their statements.
- Suspect: get a statement, if not a confession, then an admission, alibi, etc.
- Why is the victim accusing him of this crime?
- Suspect sexual assault kit.

* If you believe a crime has been committed, the victim will be referred for an MDIC in-depth interview. Leave a voice mail or email for the SAU Sgt. with a brief synopsis and the case number.
* DO NOT refer the victim or their family to the hospital for a sexual assault exam without consulting with a sexual assault detective.
* Read the PC sections - pay attention to age requirements.
* If an arrest in imminent, make sure your investigation is complete.

REMOVE THE CHILD FROM THE HOME, IF NECESSARY, AS WELL AS SIBLINGS THAT MAY BE AT RISK. THINK SAFETY PLAN FOR CHILDREN.
Fresno Police Department

Computer Crimes Investigative/Report Writing Checklist

Upon discovery of computer equipment that is switched off:

- Secure and take control of the area containing the equipment.
- Move people away from computer and power supply.
- Under no circumstances switch the computer on.
- Ensure that the computer is switched off. Some screensavers may give the appearance that the computer is switched off. Hard drive and monitor activity lights may indicate that the machine is switched on. Be aware that some laptop computers may power on by opening the lid.
- Unplug the power and other devices (e.g., modem) from sockets. A computer that is apparently switched off may be in sleep mode and could be accessed remotely, allowing the alteration or deletion of files.
- Label and photograph or videotape all the components just as they are; don't move them or alter them in any way. If no camera is available, draw a sketch of the system. Label the ports and cables in order that the computer may be reconstructed at a later date (1-1, 2-2, etc.). Label the cord 1, the socket 1, the next cord 2, the socket 2, etc.). Collect any unique cables and power cords.
- Carefully remove the equipment and record unique identifiers. The main unit, screen, keyboard and other equipment will have separate identifiers.
- Ensure that all items have completed evidence tags attached to them.
- Search the area for diaries, notebooks or pieces of paper or sticky notes with passwords, web sites or IP addresses on them.
- Consider asking the user if there are any passwords. If given, record these.
- Make detailed notes of all actions taken in relation to the computer equipment.

Upon discovery of computer equipment that is switched on:

- Secure and take control of the area containing the equipment.
- Move people away from computer and power supply.
- Disconnect the modem if attached.
- If the computer is believed to be networked, seek advice from the office in the case, in-house forensic analyst or external specialist.
- Do not take advice from the owner/user of the computer.
- Do not touch the keyboard or click the mouse.
- Record what is on the screen by photograph and by making a note of the content of the screen.
- If the screen is blank or a screensaver is present, the investigating officer should be asked to decide if he wishes to restore the screen. If so, a short movement of the mouse will restore the screen or reveal that the screensaver is password-protected. If the screen restores, photograph or videotape and note its content. If password protection is shown, continue as explained below without any further touching of the mouse. Record the time and activity of the use of the mouse in these circumstances. REMEMBER, even touching a mouse can constitute a "search," and subject you to certain restrictions.
- If you do not have access to a computer forensic specialist for advice, perform a hard shutdown of the computer. This can be done on most computers and laptops by holding the Power button for an extended time until the device shuts down. Many computers while in “sleep” mode can still be performing updates, receiving email and messages or can be wiped by “Find My Computer” apps. Remove the power supply from the back of the computer or remove the laptop battery if possible. This will preserve temporary files that might be the only evidence you will get. When removing the power supply cable, always remove the end
attached to the computer first and the plug attached to the wall socket second. This will avoid writing data to the hard drive if a UPS (Uninterruptible Power Supply) power protection device is being used.

- Label and photograph or video all the components, including the leads, just as they are. If no camera is available, draw a sketch of the system.
- Label the ports and cables so that we can easily reconnect/reconstruct the computer at a later date.
- Remove all other connection cables leading from the computer to other wall or floor sockets. Collect any unique cables or power cords.
- Carefully remove the equipment and record the unique identifiers. The main unit, screen, keyboard and other equipment will have different numbers.
- Ensure all items have an evidence tag attached.
- Search the area for diaries, notebooks or pieces of paper with passwords, web sites or IP addresses on them. These are often stuck to or close to the computer.
- If the owner/user is cooperative, ask if there are any passwords. If given them, record them accurately.
- Make detailed notes of all actions taken in relation to the computer equipment.

**NOTE:** It is accepted that the action of switching off the computer may mean that a small amount of evidence may be unrecoverable if it has not been saved to the memory. However, the integrity of the evidence already present will be retained.
Domestic Violence Investigative/Report Writing Checklist

A. ARRIVAL

- Determine the suspect's location.
- Were any weapons involved, and if so where are they now?
- Must document weapons under PC 13730(c)(3).
- Shall seize weapons for safekeeping under PC 12028.5 or as evidence.
- Separate the suspect, victim and witnesses.
- Determine if emergency medical services needed.
- Note your dispatch and arrival times.

B. VICTIM

- Note the victim and suspect's relationship.
- Length of relationship and cohabitation.
- Addresses of prior cohabitation.
- Marriage date and location.
- List children in common with DOB's.
- List any AKA’s the victim may have used.
- Describe the victim's location on arrival.
- Describe the victim's emotional condition (may be used for spontaneous statements).
- Describe the victim's physical condition (torn or bloody clothing, smeared makeup etc).
- Note any spontaneous statements by the victim (audio or video recording recommended).
- Document the victim's injuries and symptoms in detail.
- Document the mechanism how each injury was caused.
- Document history of prior D.V. to include reported and unreported (list those injuries).
- Record symptoms of alcohol or drug use by the victim.
- List any temporary or future address and phone where the victim can be located.
- Give the victim required referral information (PC 13701 - victim letter).
- Do not ask the victim if they want prosecution in a felony case; explain the DA will prosecute.

C. SUSPECT

- Describe the suspect's location on arrival.
- Describe the suspect's emotional and physical condition as with the victim.
- Document any initial statements made by the suspect.
- Document the suspect's injuries and symptoms in detail.
- Document any symptoms of alcohol or drug use by the suspect (PC 13730).
- Interview the suspect prior to custody if possible.
- Follow-up with Miranda after custody and conduct an interview / interrogation.
D. WITNESSES

- Identify the reporting party and interview.
- Identify anyone else who may have called 911 regarding this incident and interview.
- Identify all witnesses who had been present, including anyone the victim may have later contacted.
- Locate and interview the children in the home.
- Make a notation as to whether or not the children were present.
- Document the name and agencies of all EMS or CPS personnel on scene.
- Identify the treating physician.
- Interview medical staff to determine the extent of injury.
- Document victim's statements to medical personnel.

E. EVIDENCE

- Photograph and describe the crime scene to support statements and to show violence.
- Photograph the victim and suspect injuries.
- Obtain an identifying photo of the suspect in **ALL** "at large" domestic violence cases.
- Book any evidence pertinent to the case. If possible, photograph or copy evidence prior to booking (victim's pulled hair; phone cords; notes left; shoes; objects used as weapons; recorded messages; printed e-mails etc).
- Provide a specific description of any weapon(s) used.
- Book weapons as evidence or safekeeping (PC 12028.5).
- Attempt to determine ownership, possession or prior use of these weapons.
- Consider the 911 calls and printout as evidence.
- Consider doing a sketch of the scene.
- Obtain a signed medical release.
- Obtain prior police reports, prior 911 calls paramedic run sheet, and prior reports of medical treatment.
- Re-photograph injuries in the days following the assault.
- When a reference is made to emails, voicemails, texts, social media, etc., make every effort to obtain copies, screenshots, or recordings to be attached to the report.

F. FOLLOW-UP QUESTIONS

- Victim's current injury status:
  - New bruising *(photograph)*
  - Did the victim seek medical treatment *(sign a medical release)*.
  - Did the victim or someone take photos of these or prior injuries? *(Obtain)*
  - Is the suspect calling the victim?
  - Apologies
  - Threats
  - Recorded messages from the suspect *(obtain)*
  - Caller ID noted?
  - Has the suspect mailed / left the victim any letters? *(Obtain)*
  - Has the victim visited the suspect in jail?
  - Were there any witnesses not listed in the original report? *(Interview)*
  - Did the victim do anything to defend themselves?
  - History - Prior Incidents *(Evidence Code 11 09)*
G. SUSPECT IDENTIFICATION

The identification of the suspect in a felony case is crucial in domestic violence prosecution. It can be assumed that the victim may not be available for the preliminary hearing to identify the suspect who committed the crime.

If the victim identifies the suspect to the arresting officer, that officer can make the ID in court. If the victim provides the officer with a photograph of the suspect, that officer can make the ID in court. Without this identification at the Preliminary Hearing, the case will have to be dismissed.

In those cases where the suspect is arrested without identification by the victim or a suspect photo, the investigator should obtain a suspect identification by photo.

Investigators can print either a recent mug or DMV photo of the suspect. Black and white is preferred as multiple copies may be required for court or further investigation.

The photo should be shown to the victim with no writing, or symbols visible that would indicate an identification or arrest. The victim needs to indicate that this is the person by name and the fact that they are the person who committed the crime. The victim may sign the photo but this is not a requirement and may cause a reluctant victim to refuse to cooperate or give them the impression they are pursuing a charge. Your follow-up report needs to indicate photo information to include the type of photo, date taken, and ID number. The photo becomes a part of the package and may also be booked into evidence.

Keep in mind this single photo identification will only be acceptable with someone who knows the suspect. Anyone else making a suspect ID will need to view a six picture photo line-up.

One exception to the photo identification is unique tattoo information for the suspect. If the report documents that the tattoo information provided by the victim is used to identify the suspect, then this may suffice as a suspect ID. Tattoo information simply listed from RMS is not sufficient.

A good follow-up practice is to have a victim identify a photo of a suspect anytime you conduct an in person interview with the victim. You may become the only available person to make the ID if needed at a later time.

H. STRANGULATION QUESTIONS

- Did the victim have difficulty breathing?
- Any complaints of a hoarse or raspy voice?
• Any complaints of pain to the throat or difficulty swallowing?
• Did the victim feel dizzy, faint, or lose consciousness?
• Did the victim urinate or defecate as a result of being strangled?
• Did the victim vomit?
• How was the victim strangled? One or two hands? Forearm? Object?
• What did the suspect say while strangling the victim?
• Was the victim shaken simultaneous with being strangled?
• Was the victim thrown against the wall, ground, or furniture? Describe the surface.
• How long did the suspect strangle the victim?
• Describe each incident.
• How much pressure was used?
• Any visible injuries? Photograph.
• Any prior incidents of strangulation?
• Were injuries shown to anyone?
• If an object was used to strangle the victim, photograph and book into evidence.
• Was the suspect wearing rings? Look for marks.
• Photograph all injuries and marks.
Note: Interviewing an elderly victim is often slow and difficult. You should first try to interview them by themselves and keep in mind the suspect can be a care provider or relative.

FIRST RESPONDERS FOR PHYSICAL/FINANCIAL ABUSE INVESTIGATIONS

- Interview person who made the report, victims and witnesses who are available, documenting people currently living and present (Name, DOB, phone, etc.) in the home.
- Determine who, what when, where, why, and how.
- Determine the current relationship between RP, victim, and suspect.
- Evaluate the victim's emotional, mental, and physical condition.
- Is the victim endangered and in need of an EPO?
- Could APS assist and/or do you need to check APS history?
- Is there a crime scene that needs to be protected, or evidence that needs to be collected? (i.e., if injury was caused by falling on roadway, carpet etc., there should be gravel, carpet fibers, etc., on/in wound)
- Do photographs need to be taken?
- Do you have an Elder Abuse? (Review PC 368).
  - Victim who is over 65 years old and/or:
    - a dependent adult victim - defined as: any victim who is between the ages of 18-64, who has physical or mental limitations which 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 who is admitted as an inpatient to a 24-hour health facility, as defined in Section 1250, 1250.2 and 1250.3 of the H&S code.
    - Suspect must know, or reasonably should know the victim is an elder or dependent adult.
  - Are there serious Injuries?
  - Notify sergeant of call.
  - Obtain medical release form (can be provided by hospital) on serious cases.
  - Do elder abuse detectives need to respond?

RED FLAGS THAT INDICATE ABUSE:

- Signs that the suspect is isolating the victim from their friends and family.
- Delay of medical treatment for injuries and/or
- Hidden injuries.
- Son/daughter in their late 30’s through 50’s.
- Living at home with parents.
- Divorced/single, returns home and is unmotivated, lazy or unemployed.
- Has a drug, alcohol and/or gambling habit.
Profile of physical abusers:

- Son/daughter in their late 30’s through 50’s.
- Living at home with parents.
- Divorced/single, returns home and is unmotivated, lazy or unemployed.
- Has a drug, alcohol and/or gambling habit.

Profile of financial abusers:

- Care provider to victim (may include son/daughter/grandchild)
- Professional adviser.
- Home improvement unlicensed contractor.
- Telemarketer.
- Neighbor, family, new friend.
- Does the victim appear to suffer from dementia, Alzheimer’s, Parkinson’s or other similar disease?
- Suspects often isolate the victim from their friends and family.
- Does it appear the suspect is taking advantage of the victim or do they have undue influence over the victim?
  - "Undue influence," is when an individual who is stronger or more powerful gets a weaker individual to do something that the weaker person would not have done otherwise.
- Does the victim appear to suffer from dementia, Alzheimer’s, Parkinson’s or other similar disease?
  - Have they been diagnosed as such?
EMBEZZLEMENT/GRAND THEFT INVESTIGATIONS

1. When was the suspect hired?
   - What was the title of the position? Example: Administrative Assistant, Office Manager, Customer Service Representative, etc.
   - Was an employment contract signed by the suspect? A copy of the contract should be attached to the case.
   - What were the exact duties of the suspect? Example: Complete documents and make bank deposits.
   - Was the suspect a signer on the checking account? Was the suspect responsible for signing checks?
   - How many employees in the business? How many employees have the same title as the suspect?
   - Is the suspect a partner in the business? Is the business incorporated?
   - Computer access? Is there shared login info? Is it a shared computer?

2. What date and time did victim first discover the suspect was embezzling money?
   - What was the date and time of the first embezzlement?
     Example: The first check was completed on January I, 2003 at 1400 hrs. The suspect was not authorized to complete the check and sign the owners name to the check.
   - What was the date and time of the last embezzlement?
   - What is the exact number of checks written by the suspect?
   - What is the exact amount of loss to the victim?
     Example: Between January 3 1,2003 and August 27, 2003 the suspect embezzled $125,834.28 by forging the owners name on 25 checks, without authorization. Please attach a copy of the front and back of each check to the case.

3. The victim should establish that the business received the property stolen into its inventory before it was stolen by the suspect.
   - Please attach a copy of the inventory records to the case.
     Example: If the victim states that the suspect embezzled five televisions then the owner needs to supply the inventory sheet showing the televisions were received into inventory on a particular date prior to the theft.

4. Did the suspect make admission or a confession to the owner or witnesses?
   - Was there a signed admission or confession by the suspect? If there was a copy should be attached to the case.
   - Was there a signed statement by the victim or witnesses? If there was a copy should be attached to the case.

5. Has the suspect made full or partial restitution?
   - Officers should be careful when dealing with the issue of restitution especially when the suspect is present or contacted by phone. Please review PC §146, PC §518 and PC §521.
   - Is the suspect still employed at the business?
   - Does the victim want the suspect arrested?
CHECK FRAUD INVESTIGATIONS

A. Theft of checks, (PC §488) and all check investigations should include the following description prior to the narrative

- Description of checks.
  - Account name, address and phone number as it appears on the checks.
  - Account number.
    - List all numbers at the bottom of the checks. Do not include any spaces.
  - Bank and branch location the checks were drawn on.
  - Check numbers missing or outstanding if known.
  - Description of checks.
    - Colors, background scenes, borders etc...
- Narrative explaining circumstances regarding discovery of theft.

B. Forgeries (PC §470(d))
  a. Person/entity who accepted check(s) is primary victim.
  b. Describe checks as in section A above.
  c. Narrative describing circumstances of discovery.
    - Found discrepancy in monthly statement, notice of overdraft(s), received call from check cashing establishment etc ...
    - Attempt to determine who passed check.
      - Physical description.
      - Additional descriptors such as Cal ID #’s written on check(s), photos, video surveillance etc.
      - Can person who accepted check(s1 ID who passed check.
      - Determine who has original check(s).
      - Note existence of thumb print, can witness ID who placed thumbprint.
  d. Personally contact account holder to determine status of check (necessary for Prop. 115 testimony)
    - Unreported stolen.
    - Reported stolen.
    - Counterfeit - Description of account holders true check(s).
    - If suspect is detained
      - Is he/she in possession of additional check(s) - PC §475(a) and/or PC §475(b) .
      - Known multiple passes or attempted passes consider PC §459.
      - PC §496(a) charge if check(s) confirmed stolen by victim(s).
      - Check owner is victim for PC §496(a) charge.
      - Determine suspect(s) knowledge of check(s) - If suspect counterfeited check, charge PC §476.

COUNTERFEIT MONEY

  e. Description of counterfeit money, how it was determined to be counterfeit
    - Watermark, Security thread, Color etc...
      - Compared with genuine bill?
      - When in doubt, make report a possible PC §648 and book money.
BOOKING EVIDENCE

- Attach photocopies (both sides) of all evidence to original report.
- State in report if evidence booked or not.
- Describe evidence on evidence tag.

GENERAL INSTRUCTIONS-ALL INVESTIGATIONS

- Have telephonic victims send checks in under case number.
- Businesses are the victim, not the business owners and/or RP’s.
- Tell victim and or RP, a Detective will call only if more information is necessary.
Fresno Police Department

Homicide Investigative/Report Writing Checklist

A. Preserve Life
B. Arrest Suspect
C. Protect Scene

Handle every dead body call as a homicide until it is determined otherwise. Officers should proceed through the steps below until the death is determined to be accidental or suicide, or a death due to natural causes.

INITIAL CALL

Record the exact time Communications received and type of call broadcast.

ARRIVAL AT SCENE

- Record exact time of arrival.
- If ambulance crew is not present, determine if possibility of life exists. Enter immediate crime scene to view the victim (preferably one officer, use one path).
- If any possibility of life exists, apply appropriate rescue and first aid techniques and summon ambulance to scene.
- Record any alterations to crime scene that were necessary -- lights, body moved -- if entry into the crime scene is necessary to ascertain victim's condition.
- Protect the crime scene. Cordon off vulnerable areas.
- If victim is removed from scene by ambulance crew, ensure that one officer accompanies victim to hospital. If death is imminent, attempt to elicit a dying declaration.
- If victim's clothing is removed at the hospital, the accompanying officer shall maintain control of clothing and turn them over to the Identification Bureau.
- Record names, addresses, DOB's, and telephone numbers of all persons at crime scene.
- Remove them from immediate area and maintain control.
- If ambulance crew is present, record names, home addresses and phone numbers
- Determine if ambulance crew or any other person moved the body or any items within crime scene. If any alterations were made, record - What alterations were made; - When made; Purpose for making alteration; responsible party.
- Initiate and maintain personnel log, recording names, badge numbers of personnel at scene; time arrived and departed. Include in follow-up report under heading "Personnel Log."
- If RP is present, obtain valid identification, record identity and knowledge of crime.
- If suspect has just fled the crime scene prior to officer's arrival, initiate crime broadcast if information is available.
- Supplemental broadcast as necessary.
PRELIMINARY INVESTIGATION

- Witness(es): Isolate, separate. Do not permit contact with any suspect. Obtain valid identification, complete FI.
- Examine entire crime scene area. (Preferably one officer) Conduct visual examination only.
- Use one route. CAUTION: Do not step on evidence.
- Do not touch areas or surfaces where possibility of evidence exists. (If available, wear gloves.)
- Do not smoke inside crime scene areas.
- Do not flush toilets or run water in sinks/tub.
- Record any alterations necessarily made at crime scene, such as unlocking doors, opening windows, turning lights on, etc.) during your investigation.
- Depart from immediate crime scene using one route (preferably same as entry).
- Secure and protect the crime scene pending the arrival of follow-up detectives.

**** Attention ****
Searches of an emergency nature to locate suspect(s) or additional victims can be made. However, crime scene searches for evidence shall be made by detectives.

NOTIFICATIONS

- Make notifications by telephone, if possible. (Do not use phones located inside the crime scene.)
- Record time of notification and person notified.
- Contact the Call Screening Unit and apprise of situation. Request a supervisor; provide a call back telephone number where you can be contacted.
- Contact Detectives and be guided by their advice. (When Detectives are not on-duty, request the Call Screening Unit contact the on-call detective team.)
- Provide a call-back telephone number where you can be contacted.

EXPANSION OF CRIME SCENE CONTROL

- The senior officer assigned the call shall ensure that no one enters the crime scene (includes other officers and news media).
- Make no statements to the news media; refer to detectives.
- Do not direct comments regarding incident to spectators, etc.
- Establish a perimeter; secure and protect the crime scene.
- Request additional units, if necessary, and assign to security positions.
- Request ropes, barricades, or other equipment necessary to protect scene and control spectators.

Exceptions:
Doctors and Fire Department ambulance crews will be permitted entry if necessary to protect life. Record names. Clergymen shall be allowed to approach dying persons or dead bodies.

NOTE: Persons allowed to enter crime scene shall be accompanied by an officer and cautioned regarding contamination or alteration of evidence. Determine scope of general crime scene, such as outside terrain, garages, yards.
ASSISTANCE TO DETECTIVES

- Stand by for Detectives.
- Continue to protect crime scene until relieved by Detectives.
- Assist Detectives as directed by them.
- If so requested, submit follow-up containing all information obtained by officer during preliminary investigation. All data recorded in field officer's notebook shall be included.

SUSPECT IN CUSTODY

Note: If a weapon is recovered, record description and location, and maintain custody of weapon.

- Do not attempt to unload weapons or change position of evidence.
- If suspect is arrested away from crime scene, do not return suspect to scene. If suspect is apprehended inside, immediately remove from the crime scene.
- Note and preserve evidence found on suspect (blood, debris).
- Do not permit suspect to wash himself or use the toilet.
- Do not permit communication between suspect and any other parties.
- Do not initiate interrogation phase with suspect.
- Do not Mirandize, but carefully record all spontaneous statement made by the suspect.
- Observe and record behavior of suspect such as sweating, nervousness, emotions, erratic actions, or lack of usual behavior.
Fresno Police Department

Identity Theft
Investigative/Report Writing Checklist

REPORTING

• When presented with the crime of identity theft and the victim lives within the jurisdiction of the Fresno Police Department, the officer shall take a crime report pursuant to PC §530.6.
• Obtain or verify as appropriate identifying information of the victim to include date of birth, social security number, driver’s license number, other photo identification, current and most recent prior addresses, and telephone numbers.
• Reporting officer shall determine the following:
  o The nature of the fraud or other crime committed in the victim’s name.
  o What types of personal identifying information (PII) may have been used to commit these crimes (i.e., social security number, driver’s license number, birth certificate, credit card numbers and state of issuance, etc.) and whether any of these have been lost, stolen or potentially misappropriated.
  o Where the crime took place, the financial institutions or related companies involved and the residence or whereabouts of the victim at the time of these events.
  o Whether the victim authorized anyone to use his or her name or personal information.
  o Whether the victim has knowledge or belief that a specific person or persons have used his or her identity to commit fraud or other crimes.
  o Whether the victim is willing to assist in the prosecution of suspects identified in the crime.
  o If the victim has filed a report of the crime with other law enforcement agencies and whether such agency provided the complainant with a report number.
  o If not otherwise provided, document/describe the crime, the documents or information used, and the manner in which the victim’s identifying information was obtained.

NOTE: When a subject is contacted during a CFS, traffic stop, consensual encounter, building search, etc., and is found to possess the PII of another person (i.e: CDL, SSN card, credit/debit card, or mail, etc.), officers MUST obtain a victim statement prior to an arrest. Document how and where evidence was found and if it was mixed with any of the subject’s property. Photograph and book evidence and any available video.

ASSISTING VICTIMS

Reporting Officer should:
• Have the victim sign a PC §530.8 form and attach to original report.
• Provide the victim with a Fresno Police Department Identity Theft Quick Reference Guide; and
• Advise victim to:
  o Contact the Federal Trade Commission (FTC) (1-877-IDTHEFT) which acts as the nation’s clearinghouse for information related to identity theft crimes—for assistance from trained counselors in resolving credit related problems.
  o Cancel each credit and charge card and request new cards with new account numbers.
  o Contact the fraud departments of the three major credit reporting agencies Transunion, Equifax and Experian) and ask them to:
    ▪ Put a fraud alert on the account; and
    ▪ Add a victim’s statement requesting creditors to contact the victim before opening new accounts in his or her name. Victim’s may also request a total credit freeze.
- Request copies of his/her credit report (A free report may be obtained annually from www.annualcreditreport.com).
- When bank accounts are involved, report the loss to each financial institution, cancel existing accounts and open new ones with new account numbers. If deemed necessary, place stop payments on outstanding checks and contact creditors to explain.
- When a driver’s license is involved, contact the state motor vehicle department. If the driver’s license uses the social security number, request a new driver’s license number. In such cases, also check with the Social Security Administration to determine the accuracy and integrity of their account.
- Change the locks on their house and cars if there is any indication that these have been copied or otherwise compromised.
Fresno Police Department

Abducted/Missing Persons
Investigative/Report Writing Checklist

- Interview parent(s)/legal guardian/person who made initial report.
- Verify that the child is in fact missing.
- Enter child and accompanying adult/missing person, related vehicle into NCIC/Missing and Unidentified Person System. For abductions, ensure suspected abductor(s) information is entered in the NCIC/Wanted Person File. Carefully review NCIC categories and utilize the Child Abduction flag whenever possible.
- If a child, verify custody status.
- Identify the circumstances of the disappearance.
- Determine when, where, and by whom the missing person was last seen.
- Interview the individuals who last had contact with the person.
- If a child, identify the child’s zone of safety (areas of familiarity) for his or her age and developmental stage.
- Conduct an immediate, thorough search of the missing person’s home, even if the person was reported missing from a different location.
- Based on the available information, make an initial determination of the type of incident whether nonfamily abduction; family abduction; endangered runaway; or lost, injured, or otherwise missing.
- Obtain a detailed description of the missing person, abductor, and any vehicles used.
- Obtain any known medical or physical conditions.
- Relay detailed descriptive information to communications unit for broadcast updates, and notify your supervisor if you have abduction or suspicious missing person. Abduction may qualify for Amber Alert notification, check with supervisor.
- Request additional personnel if circumstances require.
- Request investigative assistance if necessary.
- Request supervisory assistance if necessary.
- Brief and bring up-to-date all additional responding personnel including supervisors and investigative staff.
- Ensure that everyone at the scene is identified and interviewed separately. Make sure that their interview and identifying information is properly recorded. To aid in this process, if possible, take pictures or record video images of everyone present.
- Note name, address, home/business telephone numbers of each person.
- Determine each person’s relationship to the missing person.
- Note information that each person may have about the person’s disappearance.
- Determine when/where each person last saw the person.
- Ask each one, “What do you think happened to the person?”
- Obtain names/addresses/telephone numbers of person’s friends/associates and other relatives and friends of the family.
- Continue to keep communications unit apprised of all appropriate developing information for broadcast updates.
Conduct search to include all surrounding areas including vehicles and other places of concealment.

- Treat the area as a crime scene.
- Seal/protect scene and area of the person’s home including person’s personal articles such as hairbrush, diary, photographs, and items with the person’s fingerprints/footprints/teeth impressions so that evidence is not destroyed during or after the initial search and to help ensure that items which could help in the search for and/or to identify the person are preserved. Determine if any of the person’s personal items are missing. If possible, photograph/videotape these areas.
- Evaluate contents and appearance of the person’s room/residence.
- Obtain photographs/videotapes of missing person and abductor, if available.
- Interview other family members, friends/associates of the person and friends of the family to determine when each last saw the person and what they think happened to the person.
- Secure the person’s latest medical and dental records.
- Prepare reports/make required notification.
Fresno Police Department

Narcotics Investigative/Report Writing Checklist

Under the Influence Cases

- How first notified/made aware of the crime or came into contact with the suspect?
  - On-view
  - Dispatch
  - Flagged-Down
    - List RP, witnesses if known. Their description of suspect/behavior. The more complete and detailed the better PC for a detention.
- Describe your first observations (prior to contact).
- List any other violations prior to contact such as loitering, drinking in public, etc.
- During contact, note observations/signs of intoxication/influence:
  - Slurred speech
  - Poor balance
  - Watery/bloodshot eyes
  - Pupil size
  - Injection marks
  - Odor/lack of odor of intoxicants
  - Burn marks to fingers or around lips
  - Injection marks
- Conduct tests/document results in detail
- Arrest suspect
- Mirandize/interview suspect
  - What drugs does the suspect use?
  - When did the suspect last use?
  - What method of ingestion?
  - How much does the suspect use a day?
  - How does the suspect support their habit?
  - Where does the suspect obtain their drugs?

Possession of a Controlled Substance

- Same as Under the Influence cases, plus:

- Articulate how the suspected controlled substance was found:
  - Observed in plain view
  - Pat-down search
  - Consent search
  - Admin search after lawful arrest
  - Found in backseat of patrol car after transport
    - Anytime the drugs are not taken directly from the suspect, handle the packaging so it can be printed if necessary.
- Properly package substance and fill out all necessary forms.
Possession for Sale

- Same as Possession Cases, plus:
  - Articulate if arrest area is a location of high frequency of drug activity
    - Time of arrest corresponds to times of such activity
  - Include all officer observations of the suspect’s activity
    - Frequent, brief visits with vehicles or pedestrians
    - Gestures or physical actions which could be transactions
    - Count the number of these types of actions during a given time
  - Check the suspect for signs of drug use
    - See objective signs related to Under the Influence cases.
  - Ask the suspect if they use drugs
    - Generally, non-user drug dealers do not show objective signs/symptoms for being under the influence.
  - Is the suspect in possession of any ingestion paraphernalia? If so, book it. If not, document it.
  - Does he possess any packaging or weighing materials?
  - Does the suspect possess any cash? Seize and book it.
    - Note the total amount plus the exact denomination of bills.
  - If possible, detain and /or arrest persons who bought from the suspect. Get a statement from them.

Sales or Transportation of a Controlled Substance

- Same as Possession for Sale Cases, plus:
  - Fully describe the hand to hand sales to an officer or Confidential Informant who will testify (document the entire conversation).
  - Document officer’s observations corroborating informant and other officer.
  - If marked money is recovered, document from where and who. Handle marked money separate from other money
  - For transportation cases, document location where found in vehicle
    - Was it secreted or in plain view?
    - Note the locations where narcotics were recovered and photograph.
      - Weight of each package.
      - Do not mix contents of packaging, book each separately.
    - If vehicle has a hidden compartment (made to specifically hide the narcotics or money), tow the vehicle and advise the SIB Major Narcotics Supervisor.
Fresno Police Department

Rape Investigative/Report Writing Checklist

IN GENERAL:

- How was the rape reported? Exact; date, time, place.
- Officer's duty at time, partner, location.
- Was the reporting delayed? Why?
- Was victim alone or with someone at the time of the report? (If so, who?)
- Statement from RP, regarding how they learned about it? Time? Place? What did the victim tell him/her?

VICTIM'S PHYSICAL APPEARANCE:

- Shaken? Emotional? In shock? Intoxicated? If calm, then why? (Note bruised, scratches etc.)
- Clothing (jacket, purse, backpack, shoes, socks), was it ripped or torn? If clothing was changed, take new clothes and clothes worn at time of occurrence. Did victim dispose of clothing? Why/where?
- (Is victim's appearance consistent with her/his statement)
- Is anything missing from victim; her purse, vehicle, property, etc.?
- Evaluate the victim for injuries. Document injuries (even if you do not see any physical signs) and take photos at the hospital.
- Does victim have a cell phone? Is she willing to allow L.E. to view cell phone or turn over to L.E.

THE VICTIM STATEMENT:

- Obtain the who, what, where, and how from the victim.
- Who did the victim first tell? (Interview him/her). Who else did they tell? Interview them.
- Was anyone with him? Prior or during?
- Her destination at time of rape? (Cell phone GPS).
- Had victim been drinking or using drugs?
- The last person she saw or talked to before the crime (name, address, or physical description).
- The first person she saw afterwards (did she tell them anything? name, address, or description).
- How did assailant contact her? (Did she go willingly, why?).
- Cell phone of victim: may provide location or info on suspect if they met on social media.
- Does she know the suspect?
- When did she last have consensual sexual relations and with whom?
- What did the suspect do in the presence of the victim (smoke, drink, etc.)?
- Did the victim try to escape, fight? If not, why?
- How much force was used? (Each and every example of physical force is important)
- Were there any weapons of any kind used or mentioned by assailant? Where did he get it, how did he use it, where did he put it? Used in a sexual manner?
• How long was victim with assailant?
• What type of sex? Penis, oral, anus?
• How long did the sex act last? How many times?
• Did she bite or scratch him? If so, why? Did he bite or scratch the victim?
• Did he say where he worked? Lived?
• What did he say? (Specific verbiage if victim remembers) Threats?
• Did he ejaculate? Where? (Clothing, hair, body, use of condom, where did he put used condom, etc.)
• Did suspect have full erection, lose his erection, or never get an erection?
• Has the victim washed herself? Urinated or bowl movement? Eat, gargle, chew gum?
• What did suspect do after assault? (Clean himself, with what?)

PHYSICAL DESCRIPTION OF SUBJECT:

• Physical description (circumcised, tattoos, jewelry, height, weight).
• Had he been drinking?
• Was he neat or dirty? Shaven or unshaven? Body odor (cigarettes, booze, cologne, etc.)?

VICTIM'S RECOLLECTION OF CRIME SCENE:

• Have victim describe where crime occurred. (Inside house? unique or specific detail of scene?)
• Attempt to locate crime scene.
• Where? Had victim been there before? With whom? When?
• Any people close by? (See anyone at all before, during, or after?).
• Look for escape routes? (Was she detained?).
• How did she get away?
• Where did he go? How?
  - If vehicle: full description; automatic or stick, console, interior color, locks, stickers, damage, items inside car.
• Was victim taken back to crime scene to look for tire marks, evidence, remoteness of area?

OFFICER INVESTIGATION:

• Do not discredit victim, hard to rebuild case, if questions, contact Patrol Supervisor.
• Primary investigating officer responsible for establishing elements and collection of evidence.
• Primary investigating officer responsible for locating potential witnesses. Locate and contact suspect’s employer, wife, g/f, friends before suspect does, if possible.
• Determine if a sexual assault kit needs to be completed on victim/and or suspect. If victim refuses, why? BA level.
• Determine if suspect should be arrested. If arrested, determine if Sexual Assault Kit needs to be completed. Photograph suspect for bite/scratch marks, stains, torn clothing, etc.
  - If suspect gives statement, pin him down as to dates, times, places, threats, amount of force, friends and employer’s names and addresses, let him talk. Interrogate him alone.
Fresno Police Department

Sexual Assault Investigative/Report Writing Checklist

1. Responsibility of the Patrol Officers as First Responders
   • Ensure the victim's safety
   • Evaluate the need for emergency medical care
   • Evaluate the need for additional units and supervisor
   • Check for possible suspect(s)
   • Locate and identify witnesses
   • Conduct brief, preliminary interview of the victim to determine what crimes may have occurred
   • Advise the victim of the legal right to have their name kept confidential
   • Determine the need for sexual assault forensic medical examination
   • Notify hospital and Rape Counseling
   • Evaluate the need for response from sexual assault detectives
     • Evaluate the need for crime scene processing and call Crime Scene Investigation Bureau (CSIB) if necessary. Secure the scene if indicated.
     • Document, collect and preserve all crime scene related evidence at the earliest appropriate time (i.e. victim's clothing, bedding, etc.)
     • If drug facilitated sexual assault is suspected, collect the first available urine sample, if the victim must urinate before going to the hospital
   • Sign for medical forensic exam

2. Prepare Preliminary Investigation Report
   • Memorialize statements made by victim and witnesses
   • Describe distinctive characteristics about the suspect
   • Document the victim's condition
   • Document the condition of clothing
   • Document outward appearance of the victim and evidence of trauma
   • Describe observations about the crime scene
   • Describe any evidence collected from the crime scene (ask about social media/cell phone)

3. Initial Handling Procedures for Suspect(s), if immediately located
   • Separate suspects if there is more than one
   • Do not permit suspect in the crime scene area
   • Inform suspects of their rights, if questions are being asked about the crime-and they are in custody.
   ***If a sexual assault detective is responding, do not question or Mirandize the suspect. ****
   • Do document any spontaneous statements
   • If taking a suspect statement, try and record it (Body Camera)
   • Photograph suspect(s) appearance, physical injury, torn or stained clothing
   • Consider need for Sexual Assault Suspect Forensic Medical Exam.
4. Handling of Evidence:
   - Blood and/or urine for toxicology (grey top vials) are to be placed in CVT envelopes and booked in CVT locker
   - Do not seal Medical Forensic Report inside the kit. It should be turned into records
   - State clearly in your report if a suspect kit was done and describe it as a suspect kit in description area on property sheet
     o Sexual Assault Evidence Kit should be booked into evidence

RAPE (PC 261) INVESTIGATION TECHNIQUES

1. In general
   - How was the rape reported? Exact, date, time, place.
   - Officer's duty at time, partner, location.
   - Was the reporting delayed? Why?
   - Is the victim safe? (Safety plan for victim).

2. The Victim
   - Was she alone or with someone at the time of the report? (If with someone, who?)
   - Statement from party with her regarding how they learned about it? Time?
   - Place? What did the victim tell him/her?
   - Who did the victim first tell? Interview him/her.
   - Who else did they tell? Interview them.
   - Was anyone with him? Prior or during?

3. Physical Description of Subject
   - Physical description (circumcised tattoos, jewelry, height, weight).
   - Has he been drinking?
   - Was he neat or dirty? Shaven or unshaven? Body odor (cigarettes, booze, cologne, etc.)?
   - Did he say where he worked? Lived?
   - What did he say? Threats?
   - How much force did he use? (Each and every example of physical force is important)
   - How long was she with him?

4. Victim's Physical Appearance
   - Clothing (jacket, purse, backpack, shoes, and socks): was it ripped or torn?
   - Were there any attempts at anal intercourse or oral copulation?
   - Anything missing from her person or purse?

5. Victim's Memory of Events
   - Her destination at time of rape? Why? (Cell phone GPS location).
   - The last person she saw or talked to before the crime (name, address, or physical description).
   - The first person she saw afterwards (did she tell them anything? Name, address, or description).
   - How did assailant contact her? (Did she go willingly, why?).
   - Does she know the suspect?
   - When did she last have consensual sexual relations and with whom?
   - What did the suspect do in the presence of the victim (smoke, drink, etc.)?
   - Did the victim try to escape, fight? If not, why?
• Were there any weapons of any kind used or mentioned by assailant?
• How long was victim with assailant?
• How long did the sex act last? How many times?
• Did she bite or scratch him? If so, why?
• Did he bite or scratch the victim?
• Did he ejaculate? Where? (Clothing, hair, body, use of condom, etc.)
• Has the victim washed herself! Urinated or bowel movement?

6. Victim’s Recollection of Crime Scene
• Dark or lit? How?
• Where? Had she been there before? With whom? When?
• Any people close by? (See anyone at all before, during, or after?).
• Look for escape routes? (Was she detained?)
• How did she get away?
• Where did he go? How?
• If vehicle: make, model, color, year, width, automatic or stick, console, kind of locks, license plate number, radio on or off, interior color, engine on/off?
• Was victim taken back to crime scene to look for tire marks, evidence, and remoteness of area?
• Items in car (victims’, suspects’, anything unique).

7. Officer Investigation
• Do not discredit victim; hard to rebuild case. If questions, contact Patrol Supervisor.
• If you notice clothing, hair samples, pubic hair samples, hair or skin from fingernails, teeth marks, fingerprints, stains, footprints, tire tracks contact CSIB for processing.
• Interview any possible witnesses at scene (door to door check if necessary to find witnesses and document what address and residents contacted).
• If the suspect is apprehended: take clothing, pictures, hair sample, blood sample, note signs of intoxication, check for scratch marks, bite marks, hairs, stains, prior record. Call CSIB for photos.
• If suspect gives statement, pin him down as to dates, times, places, threats, amount of force, friends and employer’s names and addresses, let him talk.
• Interrogate him alone.
Fresno Police Department

Unlawful Sexual Intercourse Investigative/Report Writing Checklist

UNLAWFUL SEXUAL INTERCOURSE

- PC 261.5(b) Less than 3 year age difference-Misd.
- PC 261.5(c) More than 3 year age difference-Wobbler
- PC 261.5 (d) Misd/fel Victim under 16, suspect over 21-Felony

QUESTIONS:

- How long have you known him/her?
- When did you meet?
- Where did you meet?
- When was the first time you had sexual intercourse with him/her.
- Where?
- How old were you?
- How old was he/she?
- How did he/she know your age?
- Did he ever pick her up at school?
- Which one (school)?
- Which grade(s)
- What type of sex did you have? Oral? Anal? Foreign object?
- Did you use protection?
- If no, why not?
- How often did you have sex?
- Where?
- When was the last time you had sex with him/her?
- Where?
- How old were you?
- How old was he/she?
- Did he/she know your age?
- How?
- Was the sex consensual?
- Whose idea was it to have sex?
- Did you tell anybody about your sexual relationship with him/her?
- Was there any drugs or alcohol used during sex?
- What is your current relationship with him/her?
- Married? Broken Up? Living Together?
- When was the last time you spoke or saw him/her?
- Is the female pregnant?
- When did she/he find out?
• How far along?
• Due date?
• How do you know that he is the father?
• Does he know he is the father?
• Have you been sexually active with any other person?
• If so, who?
• When?
• Where?
• Suspect Info: DOB, age, ht, wt, tattoos, address, work, probation, parole? Prior arrest?
• How or who will be supporting the baby?
• Did you know it was against the law to have sex with a minor?
• Who told you?

IF SUSPECT CLAIMS HE DID NOT KNOW THE VICTIM’S AGE:

• Does victim look over 18?
• Did suspect know that the victim was going to school? Grade?
• Get a current photograph of the victim to show that she looks under 18 years old.
• Social media contacts.
• Cell phone evidence.

DISPOSITION:

You decide whether or not to make an arrest or submit for review, based upon your investigation. If you have questions, contact your patrol supervisor first. SAU detectives and SAU sergeant also available for consultation, but it’s your call.

THINGS TO REMEMBER:

Age Difference-
• If minor is under 14 and having sexual intercourse, the crime is PC 288(a).
• If minor is 14 or 15 and suspect is 10 years older, the crime is PC 288(c) (1).
• If both minors are between 14 and 17, they are both guilty of PC 261.5(b).
• If both are under 14, they are both guilty of PC288 (a) (use discretion in handling these types of cases, because you must document that they knew the difference between right and wrong.

BECAUSE THESE ARE CONSENSUAL CRIMES, INVESTIGATE THE CASE AS IF THE VICTIM IS UNWILLING TO TESTIFY. DON’T FORGET SAFETY PLAN!
Appendix   B

Report Form (Hard Copy) Completion Procedures
REPORT FORM COMPLETION PROCEDURES

RPW ACCESS UNAVAILABLE

1. SYSTEM FAILURE  
2. OUT OF AREA  
3. SYSTEM MAINTENANCE  
4. STAFF APPROVAL  

In the event that any of the above situations occur, reports will be hand written using the appropriate/alternative forms, (e.g. stolen bicycles will not be documented as a Synoptical report in RPW, but rather as a theft on a Crime Report).

REPORT FORM COMPLETION PROCEDURES

All report forms completed by patrol officers are generally “fill in the blank,” with the exception of occasional sections requiring an officer’s opinion or judgment. All applicable boxes should be completed whenever possible using standard reporting requirements and the specific instructions contained within this section. Only Black ballpoint pens shall be used.

Listed below are general report form completion procedures, followed by event-specific report form completion procedures. The listed procedures are not box-by-box instructions. The procedures include sections of report forms requiring an officer’s opinion, or which are event-specific, and may require clarification.

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2. ARREST REPORT (AR)  
3. CITATIONS/NOTICE TO APPEAR  
4. CRIME SCENE LOGS  
5. EMERGENCY PROTECTIVE ORDERS (EPO)  
6. JUVENILE ARREST REPORT (JAR)  
7. JUVENILE DETENTION ARREST REPORT DOJ FORM  
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9. MISSING PERSON REPORT/CLOSE-OUT REPORT  
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11. SOBRIETY REPORT  
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EVENT-SPECIFIC REPORT FORM COMPLETION PROCEDURES

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17. DEPARTMENT VEHICLE ACCIDENTS  
18. HATE INCIDENTS/BIAS MOTIVATED CRIMES  
19. ROBBERIES AND ALARMS  
20. VEHICLE THEFT  
21. VEHICLE THEFT RECOVERIES
1. REPORT WRITING FORMAT

Report Narrative

The narrative of all reports shall follow the format prescribed herein unless specifically provided elsewhere in authorized procedures (e.g., accident narratives as outlined in the Collision Investigation Manual/CIM). Each section shall be clearly titled and underlined.

Names of Members Who Can Testify

This section includes the names and badge numbers of all officers who had an active part in the investigation and can provide courtroom testimony as to relevant facts of the incident. Additional assisting officers who did not participate in the investigation shall be listed in the Dispositional Information Section.

Synopsis

The synopsis provides an overview of what the report will establish, and is generally necessary only in complicated or lengthy reports. On JAR's, the synopsis shall be included on the face sheet with sufficient detail to establish the corpus delicti of the crime.

Source of Activity

This section describes how the reported incident was initiated and shall include:

(a) Day, date, and time of incident;
(b) Duty/activity of reporting member at time of incident;
(c) How the member became involved;
(d) The location of the activity; and
(e) The nature of the incident.

Investigation

The investigation section of the narrative is divided into three subsections that do not need to be titled:

(a) Initial observations/actions of the investigator. This section should describe the actions or conditions perceived at the time of the reporting member’s arrival at the scene, and the actions taken by the reporting member when pertinent to the investigation;
(b) Summary of Statements. Statements shall be presented individually after being prefaced with an underlined title (e.g., Victim Smith). Statements shall be an accurate summary of all pertinent information that establishes the total circumstances of the incident including, but not limited to, elements of the crime, MO, description and location of suspects and/or suspect vehicles, presence or absence of evidence, and any other relevant issues. When multiple statements are included, they shall be clearly identified and described in a sequence that most clearly explains the events being reported. When multiple statements are obtained, each shall be complete and shall stand alone from the statement(s) of others. It is not acceptable to state "Witness Smith gave the same statement as victim Jones" or other similar inclusive statements;
(c) Examination by Reporting Member. This segment shall include a detailed description of the methods and results of the reporting member's examination of the scene, and his/her efforts to locate and identify
evidence, validate or corroborate information obtained from statements, and obtain additional information not received through interviews.

Conclusions/Deductions

This section provides an analysis, explanation, or reconstruction of the investigated incident based on information obtained from all of the member's investigative efforts. Its purpose is to summarize the circumstances and sequence of events to clearly establish the elements of the crime or circumstances of the incident investigated.

While it is not necessary to repeat information when the crime/incident is reconstructed through an "eye witness" statement, members shall include deductive information not supplied by a victim, witness, etc.

Dispositional Information

This section should include the summary and/or status of actions taken by the member including, but not limited to:

(a) Disposition of evidence;
(b) Status of suspects, victims, witnesses, etc;
(c) Required instructions given to witnesses, victims, etc;
(d) Notification of other parties;
(e) Disposition of vehicles;
(f) Disposition of involved property;
(g) Relationship to other cases;
(h) Special follow-up needed or requested; and
(i) Additional Assisting Officers.

2. ARREST REPORT (AR)

Use of the Adult Arrest Report Form

"P.D. Number" will be completed by CSB personnel when the suspect is processed through the CSB.

Arrest Details

This box shall be completed in all cases and shall contain, at the least, a brief synopsis of the circumstances surrounding the detention/arrest. When no other report is required (i.e., non-FPD warrants, drunk arrests, and arrests for violation of probation or parole) this section shall contain a complete description of the probable cause for the detention/arrest of the suspect, the elements of the crime (647[f]), and the person authorizing the arrest (in parole/probation violation cases).

Notes:

* Booking number will be filled in by FSO.
* SID/CII number generally filled in by IDS, when available. May be obtained by checking Ecomm.
* Comp # is officer detail. (e.g. 2D11)
* Include any prescription meds used by arrestee.
3. **CITATIONS/NOTICE TO APPEAR**

**Boxes**

(a) The "misdemeanor" box shall be marked if any offense charged, including traffic, is a misdemeanor.

(e) When the person cited has no identification, descriptors (e.g., tattoos, SSN, etc.) which could assist in later identification should be listed.

(g) The "Commercial vehicle (V.C. 15210b)" box shall be marked when the cited driver has a commercial driver’s license.

(i) When the person cited has no proof of insurance, the word “None” shall be written in the space provided. Officers may then include a violation of VC 16028(a), “No Proof of Financial Responsibility” to the citation.

(j) Whether the violation is deemed correctable by the issuing member, consistent with VC 40610 et seq., it shall be indicated by checking the applicable box **NOTE**: Although CVC 16028(a) is considered a correctable violation, DO NOT check either the “yes” or “no” box for correction purposes as sworn peace officers do not have the authority to correct this violation.

(k) **Description of Violation.** Code abbreviations (PC/VC/FMC) and section numbers complete with all subsections will be listed in the "Code Section" column. Each violation shall be listed on a separate line starting at the left edge of the line. Members shall briefly but completely describe the details of the violation(s) in the "Violation(s) and Description" section. The description shall include all information necessary to establish a prima facie case for each violation charged. When additional space is needed, the Continuation Form shall be used and the appropriate box shall be marked reflecting that it was used. Members shall use the reverse side of the pink copy of the citation for making notes of the incident for future reference.

(l) The approximate speed of the violator’s vehicle at the time of the violation shall be entered in the box marked “Approx.” The posted or prima facie speed limit (VC 22352) shall be entered in the box marked “PF/Max.” Any applicable speed limit based upon vehicle type (e.g., vehicles towing trailers, etc.) shall be entered in the "Vehicle Limit" box. When the safe speed (VC 22350) is lower than the posted or prima facie speed, it shall be entered in the "Safe Speed" box. In cases where the safe speed is used, members shall note the reasons for the difference between the safe and posted speeds in the "Description" space. When Radar is used to measure speed, officers shall place the serial number of the radar device used in the box labeled "Radar.”

(m) When a violation occurs in another city, Fresno shall be crossed out and the city of occurrence written in. The Area/Sector/Zone shall read “1/B/9999.”

(q)(1) For adult violators, the "1100 Van Ness, Fresno, Ca “and "Room B-108" boxes shall be marked. For confirmed out of jurisdiction warrants, mark the "Other" box and list the address of the location to appear.

(2) For juvenile violators, “To be notified by mail by Juvenile Traffic Division" box shall be marked. The juvenile should be advised that they shall be notified by mail; however, if they do not wish to contest the citation, they may contact the County Traffic Division prior to receiving the written notification. For juveniles who do not reside within City of Fresno, the “Other” box shall be marked and the city where they reside shall be indicated in the space provided.

(r) For adult violators of traffic infractions and VC 12500a, members shall mark the box next to “Within 60 Days of Issuance”. For adult violators charged with other code infractions or with misdemeanor traffic violations other than VC 12500a, the 60-day arraignment date/time shall be inserted (see 04.04). For all juvenile violators this box is left blank.

(u) This box shall be checked when the issuing member determines that registration and/or equipment violations are present, and prefers the owner of the vehicle to be responsible (pursuant to VC 40001). Only charges pertaining to the owner’s responsibility, including correctable violations, shall be listed. The driver’s information shall be included on the citation, and he/she must sign on behalf of the owner.
Citation Continuation Form

- Number - The number of the original citation shall be written into the “No.” space on the Continuation Form;
- Signatures - The officer and violator's signatures are required on both the original citation and the Continuation Form.

Appearance Date & Time for Warrant Charges

The court schedule for misdemeanor warrants issued by a Fresno Municipal court may be attained from the CAD Reference File “CITE - MISD AND WARR (60 DAY)”. The court appearance day/date should be noted at the bottom of the citation on the “Other Date” line.

Exception: Muni Code warrants should only be cited for a Tuesday due to the need for a City attorney to be present.

The court schedule for misdemeanor warrants issued by other Fresno County courts may be attained from the CAD Reference File “CITE MISDEMEANOR COURT INFO”. This date should be noted at the bottom of the citation on the “Other Date” line. The court location should also be noted on the line provided for the “Other Court” location. Suspects arrested on warrants originating outside Fresno County may be booked rather than cited.

4. CRIME SCENE LOGS

Document the name of the person entering and leaving the crime scene, including their time in and out.

5. EMERGENCY PROTECTIVE ORDER (EPO)

The investigating officer shall ensure that the victim understands the circumstances under which an EPO can be issued, and our policy of seeking an EPO on the victim’s behalf anytime there is reason to believe the victim is in immediate and present danger of domestic violence.

The investigating officer shall indicate in his/her report:
- The fact that these advisements were done, and
- Whether or not an EPO was sought. When an EPO is declined by a victim, or
- Is refused by a judicial officer, and
- Explain the victim’s and/or judicial officer’s reasons in their report.

Required Reports

When an EPO is issued as the result of a criminal act of domestic violence, the issuing officer shall complete a Crime Report (CR) as required.

When an EPO is issued under circumstances where no crime has occurred, the issuing officer shall prepare a report entitled “EPO”. When there is a history of or potential for domestic violence, although no crime has occurred, the “Domestic Violence” box shall be marked. The person to be restrained shall be listed as an “Involved Party.” The person to be protected shall be listed as a “Victim.” Under these circumstances the report narrative shall include the details surrounding the officer's response and actions. The CN of the report shall be placed in the upper right-hand corner of all copies of the EPO.
The race, sex and DOB of the person to be protected shall be indicated next to their name listed in item #1 of the EPO.

6. **JUVENILE ARREST REPORT (JAR)**

**Misdemeanor Arrests**

*When a juvenile is cited for a misdemeanor offense, excluding traffic offenses, officers shall identify the school attended and place the name of that school in the top upper right margin of the report.*

Boxes

(4) & (5) Leave blank.

(88) All additional charges carried over from box 30 shall be listed first. A synopsized account of the incident, with sufficient detail to establish a prima facie case for each charge, shall then be written in this space. Only after the elements of the crime and evidence implicating the suspect have been written shall additional details (e.g., additional suspects, victims, witnesses, vehicles, extended narrative, etc.) be described. When the report narrative qualifies for dictation, the above described synopsis shall be completed on the face sheet prior to booking the suspect. The dictated portion shall include all other additional details.

(102) When a juvenile is delivered to FCJH, the officer shall list the reason for delivery and any known factors that would impact the decision to keep or release the juvenile.

7. **JUVENILE DETENTION ARREST REPORT DOJ FORM**

Officers need only to complete section “A” (with the exception of: CII#, PIN, FP Card, and Disposition Code.)

8. **LAW ENFORCEMENT REPORT FORM (LERF)**

**Code Section**

The most applicable code section for the violation shall be listed. When multiple offenses have been committed, the section number of the highest crime reported, as shown in the following schedule, shall be indicated. Only one section shall be used, complete with subsection designations and appropriate punctuation (e.g., PC 192[3][a]).

Exception: When a kidnap occurs in conjunction with a Part One Offense two sections shall be used (e.g., PC 261/207).
(a) **Part One Offense:**

<table>
<thead>
<tr>
<th>Definition</th>
<th>Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Criminal Homicide</td>
<td>Type of Weapon</td>
</tr>
<tr>
<td>(2) Forcible Rape</td>
<td>Type of Force</td>
</tr>
<tr>
<td>(3) Robbery</td>
<td>Type of Weapon</td>
</tr>
<tr>
<td>(4) Aggravated Assault</td>
<td>Type of Weapon</td>
</tr>
<tr>
<td>(5) Burglary</td>
<td>Indicate Res/Non-Res/Veh</td>
</tr>
<tr>
<td>(6) Larceny (except motor vehicle theft)</td>
<td>Type of Larceny (e.g., shoplift, bike, pickpocket, etc.)</td>
</tr>
<tr>
<td>(7) Motor Vehicle Theft</td>
<td>Type (Car, Truck, Bus, M/C, etc.)</td>
</tr>
<tr>
<td>(8) Arson</td>
<td>Type of Premise (indicate if vacant/occupied)</td>
</tr>
</tbody>
</table>

(b) **Part Two Offense:**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(9) Kidnapping</td>
<td></td>
</tr>
<tr>
<td>(10) Non-Aggravated Assaults</td>
<td>Type of Force</td>
</tr>
<tr>
<td>(11) Forgery and Counterfeiting</td>
<td>Type of Document (i.e., checks, credit card)</td>
</tr>
<tr>
<td>(12) Fraud</td>
<td></td>
</tr>
<tr>
<td>(13) Embezzlement</td>
<td></td>
</tr>
<tr>
<td>(14) Stolen Property</td>
<td></td>
</tr>
<tr>
<td>(15) Vandalism</td>
<td></td>
</tr>
<tr>
<td>(16) Possession, Manufacture of Illegal Weapons</td>
<td></td>
</tr>
<tr>
<td>(17) Prostitution &amp; Commercialized Sex</td>
<td>Pimping/Prostitution/House of Prostitution</td>
</tr>
<tr>
<td>(18) Sex Offenses-except as otherwise provided</td>
<td>Victim-Juvenile/Adult</td>
</tr>
<tr>
<td>(19) Narcotic/Drug Violations</td>
<td>Type of Violation (sales, possession, etc.)</td>
</tr>
<tr>
<td>(20) Gambling</td>
<td></td>
</tr>
<tr>
<td>(21) Offenses against the Family and Children</td>
<td>Felony/Misdemeanor, Drugs, Alcohol, or both</td>
</tr>
<tr>
<td>(22) Driving Under the Influence</td>
<td></td>
</tr>
<tr>
<td>(23) Liquor Laws</td>
<td></td>
</tr>
<tr>
<td>(24) Drunkenness</td>
<td></td>
</tr>
<tr>
<td>(25) Disorderly Conduct</td>
<td></td>
</tr>
<tr>
<td>(26) Vagrancy</td>
<td></td>
</tr>
<tr>
<td>(27) All Other Offenses Not Specified</td>
<td></td>
</tr>
<tr>
<td>(28) Suspicion</td>
<td></td>
</tr>
<tr>
<td>(29) Curfew and Loitering by Juveniles</td>
<td></td>
</tr>
<tr>
<td>(30) Runaway Juveniles</td>
<td></td>
</tr>
</tbody>
</table>

Members shall ensure that the sections/subsections listed in any Department document are accurate. Before booking or citing any suspect the member shall verify that the charge listed are an actual criminal violation and not merely an authority or enhancement section. Complete punctuation including parentheses and periods shall be used. To verify the section numbers, members may refer to the DOJ handbook entitled: "Common Reported Statute Codes", available in the Crime Scene Bureau (CSB).

**Definition and Classification**

The definition of the crime, as described by the code section listed, shall be inserted (e.g., VC 10851, "Vehicle Theft"; PC 211, "Robbery"; etc.) When the crime is an attempt, this shall be indicated in the box (e.g., "Attempted Robbery").
The appropriate classification (to the corresponding definition) in the table shown above shall be listed. Where no classification is indicated in the table none is required.

When a vehicle theft or arson is involved in a higher ranking crime, the "Other" box in the Special Circumstances block (see below) shall be marked and the "10851" and/or "Arson" shall be inserted in the adjacent space.

**Special Circumstances**

When the incident involves domestic violence, hate crimes, or any law enforcement officer killed or assaulted in action, the applicable box(s) shall be marked. The "Other" box shall be marked as indicated above.

**Date, Time, and Day Occurred**

The precise times and dates shall be used when known. When unknown, the ranges shall be indicated.

**Related Cases**

All related FPD cases shall be entered by case number. When the related case originated with another agency, the agency name shall be inserted with its case number.

**Special Routing**

Reports are routinely distributed to Department units and some other agencies based upon their nature (i.e., robbery cases to Robbery Unit, sex cases to Sexual Assault Unit, misdemeanors referred as citizen complaints to the DA's Office, etc.) When a member identifies the need for a unit/agency outside of normal distribution to receive a copy of a case, that unit/agency shall be specified in this box (e.g., when a sexual assault investigation contains information about drug sales, special routing to Narcotics may be appropriate.) The box shall also be completed whenever other orders of this Manual require report distribution by "Special Routing."

**Additional Names in Narrative**

This box shall be marked when there are more persons involved than can be listed on the face page. The additional names shall be listed in the narrative, using the identical format and sequence of information as on the face page.

**Involvement Code**

The one or two letter code describing the role of the person listed shall be indicated. The codes and their definitions are located in order of priority on the first line of the section. When more than one code describes the person listed, the first applicable code, reading from left to right, shall be used.

The term Involved Person (IP) denotes individuals who are involved in an incident but who do not fall within the other categories and who do not meet the definition of a suspect. It is also used when a person cannot be contacted to determine their level of involvement and appropriate classification. When a person is identified as a victim, witness, suspect, or RP, IP shall not be used.
When a victim/witness/RP in a case is also arrested, he/she shall be listed in both the suspect and victim segments.

The "O" (other) is used to designate persons who do not fall specifically into the other classifications (e.g., parents, guardians, relatives, etc.)

**Identifier**

The number of persons listed in the report under each code shall be listed. When there is more than one person for a code type, each shall be listed sequentially (e.g., "1 of 2" for the first, "2 of 2" for the second, etc.) The "Identifier" box shall be completed even when there is only one person listed (e.g., "1 of 1").

When referring to parties in the narrative, however, code and number designations (i.e., "victim 1", "suspect 2", etc.) shall not be used. Parties shall be referred to by last name except where there is more than one person with the same last name in which case first and last names shall be used.

**01.07 Race**

The following descriptions and abbreviations shall be used to designate race in Department documents:

- W-White
- B-Black
- H-Hispanic
- I-American Indian/Eskimo
- C-Chinese
- J-Japanese
- F-Filipino
- P-Pacific Islander*
- A-Asian**
- O- Other***

* Any Pacific Islander whose specific ethnic origin is not known or declared, or if none of the other Pacific Islander codes apply.

** Any Asian whose specific ethnic origin is not known or declared or if none of the other Asian codes apply (this includes H'mong).

*** Any person who cannot be designated as any of the general or specific racial/ethnic groups listed.

**Crime**

When a case includes victims of different crimes, the applicable crime code/section(s) shall be listed in this box for each victim when they are different than the crime for which the report is titled (e.g., when a CR is titled "PC 459" and the arresting officer is resisted during the arrest of a suspect in the case, "PC 148" shall be written in the box for the victim officer while the box is left blank for the victim of the PC 459.)

**Interpreter Used**

When an interpreter is used to communicate with the listed party the Interpreter box shall be checked and the language used shall be indicated. The interpreter shall be listed as a "witness" complete with all identifying information as would be required of any other witness.
Suspect Section

When there is reasonable cause to believe a person is culpable or responsible for the conduct complained about in an incident the person shall be listed as a suspect, not as a possible suspect (PS) or Involved Party (IP).

The term "PS" shall be used to designate persons who are possibly involved in an incident, based upon some articulable reason, but that involvement cannot be sufficiently confirmed to establish reasonable cause.

The "O" for other is not used.

Additional Suspect in Narrative

When there are more persons involved than can be listed on the face page the “Additional Suspects” box shall be marked. Any additional name(s) shall be listed in the narrative, using the identical format and sequence as on the face page.

Wanted Outstanding Suspects

When suspects are wanted on an arrestable charge (i.e., a PC 836 want for adults, or a WIC 625 want for juveniles), the words "Wanted PC 836" or "Wanted WIC 625" shall be printed in the top margin just below the headings. The "At Large" box(es) shall also be marked. Charges for which no arrest can be made (e.g., misdemeanors involving adults) shall not be listed.

Warrant Charges

When an arrest is made on a warrant in conjunction with an incident documented on the Crime Report, the word "Warrant" shall be printed on the line where the charge is normally placed. The charge, bail, and jurisdiction of issue of each warrant shall be listed at the top of the narrative section.

Additional Charges in Narrative

When there are more than three charges against one suspect, the "yes" box shall be marked and the additional charges shall be listed at the beginning of the narrative section.

Other Disposition

When a suspect is arrested but subsequently released under PC 849(b), the "Oth" box shall be marked and "PC 849(b)" shall be listed on the charge(s) line.

Type

The type of vehicle (e.g., van, car, pickup, bus, motorcycle, plane, vessel, trailer, bicycle, etc.) shall be specified.

Style

The style of vehicle (e.g., 2DR, 4DR, convertible, etc.) shall be listed. For a bicycle, "boys", "girls", or other description (e.g., tandem, unicycle, tricycle, etc.), shall be entered.
Value

The following guidelines shall be used to determine the valuation of property: The value shall be placed in the space labeled "stolen" under the appropriate category. The same procedure shall be followed when listing recovered property which is noted at the time of the original report. When an item is both stolen and recovered, the value shall be listed in both spaces.

(a) Fair market value for articles which are subject to depreciation because of wear and tear, age, or other factors which cause the value to decrease with use;
(b) The cost to the merchant (wholesale) of goods stolen from retail establishments, warehouses, etc. (i.e., the value representing the actual cash loss to the victim without any mark-up or profit added);
(c) The victim's valuation of items, such as jewelry, watches, and other similar goods, which decrease in value slightly or not at all with use or age;
(d) The replacement cost or actual cash cost to the victim for new or almost new merchandise;
(e) The common sense and good judgment determination of fair market value for stolen property when the victim obviously exaggerates the value for insurance or other purposes; and
(f) Non-negotiable items, such as travelers checks, personal checks, money orders, stocks, and bonds, etc., shall have no value recorded. Negotiable instruments, such as bonds payable to bearer, etc., are valued at current market price at time of the theft.

Property Loss Section

The following instructions apply to the categorization of property:

(a) Currency
Property stolen in this category shall include those items of currency and legal documents which are interpreted as being negotiable in the open market. This category does not include checks which are not negotiable unless they have been properly countersigned. Credit cards are not counted.

(b) Jewelry
Items to be considered in this category are watches, bracelets, rings, necklaces, and other items which have real value and are generally used for the adornment of the person. Also included are metals that, in and of themselves, have a high intrinsic value, such as gold, silver, and platinum. Common metals, such as iron, aluminum, and copper, are not considered as precious metals.

(c) Clothing/Furs
All items of wearing apparel for human use, including pelts or skins to be used as wearing apparel, shall be counted in this category; include accessories, such as purses, belts, wallets, etc.

(d) Office Equipment
This item will include such devices as computers, fax machines, typewriters, adding machines, cash registers, mimeograph machines, duplicating devices, etc.

(e) Cameras, Radios, TV
All items that are designed for the specific purpose of reproducing photographic images or sound shall be counted in this category. Examples are televisions, cameras, and receivers; still picture cameras; motion picture cameras and projectors; radios--receiving and sending; cellular telephones; compact disc players; record players; tape recorders; records; tapes, etc.
(f) **Firearms**
Items covered in this category are weapons that fire a shot by the force of an explosion. Include all handguns, rifles, shotguns, and other such devices commonly referred to as firearms. Notable exceptions to this category are BB guns and pellet-type weapons, which are not included.

(g) **Household**
General household items, such as beds, sofas, chairs, washers, dryers, furnaces, desks, tables, bookcases, air conditioners, etc., shall be counted here. Location of the theft is not necessarily a consideration for listing in this category. Household goods may be stolen from a truck, a residence, a business establishment, or other location.

(h) **Consumable**
In this category, items such as liquor, meat, perishable foods, canned foods, cigarettes, gasoline, etc., would be listed. Other items that shall also be considered in this category are deodorants, after shave lotion, perfume, beverages, etc. Consumables shall broadly be defined as those items used by humans for nutrition, enjoyment or hygiene, and that no longer exist in the same form after use.

(i) **Livestock**
Such items as live cattle, hogs, horses, sheep, goats, and other mammals commonly raised as farm stock would be listed in this category. Common household pets, such as dogs, cats, and birds shall be counted in the miscellaneous category.

(j) **Miscellaneous**
Items that are not accounted for in the above listings would fall into this category. Some general examples are shrubbery, vehicle parts, boats, trailers, airplanes, books, bicycles, household pets, etc. Automobiles and other motor vehicles not listed above are not included here (they are included in the "Vehicle Segment" along with their value).

**Narrative**

The narrative section of any report shall begin with the listing of additional names, suspects, and vehicles (in that order) that cannot be listed on the face sheet, followed by assisting officers, warrant information, suspended license details, property/evidence, special instructions to the follow-up investigator, crime analysis etc. When listing evidence, the heading "Evidence" should be inserted but it is not necessary to list all items. Instead, reference the Property Evidence Report (PER) on which the evidence is listed may be found.

All information carried over from the face sheet shall be listed completely, using the format and sequence in which it appears on the face sheet.

The text of the narrative shall be an accurate and concise reconstruction of the incident. The following informational areas shall be completely covered in all Crime Report's:

(a) Elements of the offense;
(b) Probable cause for stop/detention/arrest;
(c) Basis for search and seizure;
(d) Miranda advisement/waiver;
(e) Statements by suspects, witnesses, etc; and
(f) Presence and description of physical evidence.
The narrative of the report shall be written in the same space used for listing property/evidence. When additional space is needed for property, narrative, etc., a Continuation Form shall be used.

9. **MISSING PERSON REPORT (MPR) / CLOSE-OUT REPORT**

**Page 1 of the MPR**

**Boxes**

(6) "At Risk" shall be marked when the missing person:
   (a) Is suspected of being the victim of a crime or foul play;
   (b) Is in need of medical attention;
   (c) Has no pattern of running away or disappearing;
   (d) Is the victim of a parental abduction/kidnapping; or
   (e) Is mentally impaired;

(11) The NCIC number is the same as the FCN which is assigned when the required teletype entry is made. This number shall be obtained from the teletype operator and inserted by the reporting member.

(13) To be left blank

(15) RSA denotes race, sex, age;

(83) When information is received that the person has been missing before, RMS shall be checked for prior cases and the numbers shall be inserted;

(86) The name of the ESD receiving the broadcast information and the time it was given shall be listed;

(88) The name of teletype operator that was given the missing person information and the time notified shall be noted;

(90) The box(es) corresponding to computer entries initiated by member shall be marked.

**Page 2 of the MPR**

**Narrative Section**

Members shall write a complete narrative of the circumstances surrounding the disappearance of the missing person and the disposition requested by the RP when the missing person is located. When a Crime Report is also prepared under the same case (e.g., kidnapping) it is not necessary to duplicate narrative that is contained on other forms prepared for the same incident. When the narrative is contained in other documents, that fact shall be so noted in the narrative portion of the MPR.

**Authorization Section**

Members shall attempt to obtain a signature to release dental records of the missing person at the time of the investigation. When the member is unable to obtain a signature in person, they shall note this fact in the narrative portion of the report so that the follow-up investigator may mail the authorization form.

**Specific Instructions for Completing the Missing Person Close Out Report**

**Boxes**

(8) When the "Other" box is marked, the exact disposition of the missing person shall be specified in the adjacent space;
(18) The appropriate box shall be marked followed by sufficient narrative explanation of the circumstances surrounding the return/location of the missing person.

10. PCD

**Agency Control No.**

This number will consist of the initials "FPD", followed by "1005", followed by a dash (-), followed by the case number under which the suspect is being charged, followed by a dash (-), followed by a digit to differentiate between multiple suspects. Example: FPD 1005-94-12345-1

**Narrative**

The narrative of the PCD shall articulate:

- The facts that support probable cause for detention or other contact that subsequently leads to the discovery of a crime;
- The basic elements of the crime for which the arrest is made; and
- How the suspect was identified and connected to the crime(s).

11. **SOBRIETY REPORT**

**Boxes**

(60) The level of the odor of alcohol on the suspect’s breath shall be specified (e.g. strong, moderate, none, etc.)

(63) The indicated symbols for the right index finger and for the left index finger shall be used to pinpoint on the diagram the contact location of each fingertip. When the finger touches the same spot two or three times, place the number of contacts inside an outline of the symbol.

(64) The most accurate descriptors shall be used to describe the suspect's attitude (e.g., cooperative, belligerent, combative, indifferent, etc.)

(65) The most accurate descriptors shall be used to describe the appearance of the suspect's eyes (e.g., bloodshot, watery, pupillary reaction/condition, etc.)

(66) The most accurate descriptors shall be used to describe the speech characteristics of the suspect (e.g., slurred, incoherent, etc.)

(67) The suspect shall be asked if he knows the alphabet. When there is an affirmative response, the suspect shall be asked to recite the alphabet and his/her response shall be written exactly as it is given. The level of education shall be listed as given by the suspect.

(81) Applies to ongoing or recent medical or dental care only.

**Back of the Sobriety Report**

**Boxes**

(15) The suspect’s exact words shall be recorded in this space.
12. **SUPPLEMENTAL REPORT (SR)**

**Boxes**

(8) This box is used only to report the clearance of a case that did not include either an arrest or citation of a suspect (on a charge related to the type of crime reported) or an exceptional clearance in the original report.

The "Adult/Juvenile Booked" boxes shall be marked when a crime has been committed and reported in the City and a suspect is in custody on a charge related to the type of crime reported.

The "Adult/Juvenile Cited" boxes shall be marked when a crime has been committed and reported in the City and a suspect has been cited on a charge related to the type of crime reported.

The "By Exception" box will be marked when any of the following circumstances exist. The title of one of the exceptions listed below shall be placed in the space next to "(explain)."

(a) **Victim Refused to Prosecute.** This explanation is used when the offender is known, regardless of custody status, and the victim refuses to sign a complaint.

(b) **Prosecuted by Another Agency.** This description is used when a known offender is prosecuted for other crimes by another jurisdiction and there is a reasonable belief that the suspect will not be returned to Fresno for prosecution. This clearance shall also be indicated when another law enforcement agency has concurrent jurisdiction for a particular offense and no arrests on the case will be made by this Department.

(c) **DA Refused to Prosecute or File.** This description shall be listed when the DA's Office refuses to issue a complaint even though there is sufficient evidence to do so, the victim is willing to prosecute, and the offender is known.

(d) **Offender Charged in Different FPD Case and Will Not be Charged in this Case.** This description is used when the offender is arrested on other charges by the Department and will not be charged for the crime in the case being reported on. The offender's identity and culpability must be clearly established.

(e) **Juvenile Reprimanded & Released.** This description is used when the offender is a juvenile who will not be cited or booked and is released to a parent or guardian after a reprimand by an officer.

(f) **Restitution Made.** This box is used when the victim has received restitution and does not wish to prosecute.

(g) **Justifiable Homicide.** This description is used only after the DA's Office has concurred with the finding;

(28) When the SR documents the filing of complaints or other new action(s) against suspect(s) previously listed in the original report, the name, disposition, and charges boxes (16, 28, and 29) are the only boxes which require completion

**Back Page**

**Boxes**

(5-13) See Property Loss Section under LERF instructions above. Only property which was not listed as stolen or recovered in the original report shall be listed in this section;

(14) This block is not used.
13. VEHICLE REPORT FORM

Boxes

(1) Mark the reason for the tow (Impound, Impound 30 Day, or Stored) and mark all of the remaining items that apply;
An “Impound” refers to a vehicle removed at the direction of a member which requires a release from the Department (Driver arrested, registration expired over six months, evidence of a crime, etc.);
An “Impound 30 Days” refers to a vehicle removed at the direction of a member which will not be released by the Department for 30 days (e.g. the driver, who is also the registered owner, is found to have a suspended license or has never been licensed or the driver engages in a speed contest as defined by VC 23109(a)); and
A “Stored Vehicle” refers to a vehicle removed at the direction of a member which does not require a release from the Department (e.g. a recovered stolen vehicle).

(7) This box applies when a vehicle is impounded for evidence. It applies to both the victim and the suspect vehicles. Check or write in the unit that the vehicle is being impounded by or for;
(Example: An officer is investigating a hit and run accident in which the suspect vehicle was left at the scene. Box #7 would be checked because the suspect vehicle is being impounded as evidence of a crime)

(29) Mark any noticeable damage to the vehicle on the vehicle illustration

(35) Signature and badge number of Officer/CSO ordering vehicle stored/impounded

14. VIOLATION OF PROBATION PC 647/ MC 8-107/ RCTB 95-4

Complete in same manner as PCD. (e.g.: date, time, location, observations)

15. W&I 5150 / EMERGENCY COMMITTAL

Boxes

(d) Describe the reasons (“good cause”) when the advisement is not completed. (e.g. incoherent, violent, non-responsive)
(f) Describe in detail the circumstances under which the detainee’s condition came to the member’s attention.
(g) Describe the details that support the belief that the detainee is a danger to others, a danger to him/herself, and/or is gravely disabled

16. CHILD STEALING/CONCEALMENT/CUSTODY

Reporting Requirements

- Document the incident in a Crime Report (CR) or as a possible crime, as appropriate;
- List as the victim the parent or guardian from whom the juvenile(s) was taken or concealed;
- List the person who is believed to have taken the juvenile(s) as the suspect;
- List the juvenile(s) who have been taken or concealed as Involved Parties in the Victim/Witness Segment of the CR;
- Attempt to verify any custody orders involved and document all pertinent details in their report.
Complete an FPD Missing Persons Report Form for each child in addition to the CR;
Have all missing children entered in MUPS through the teletype operator (as "Missing Juveniles"), as soon as possible but no later than four hours after receiving the original report.

17. DEPARTMENT VEHICLE ACCIDENTS

Special Provisions for Department Vehicle Collision Documentation

- Involved members may use the address of the Department as their residence address
- The City assigned vehicle number shall be written in the "miscellaneous" box;
- The name(s) of the insurance carrier(s) for involved parties other than members shall be listed in the designated space on the face sheet
- When the collision involves an on duty sworn member (including reserves) operating an "Authorized Emergency Vehicle" as defined in VC 165, the words "On Duty Emergency Vehicle" shall be written in the "Special Conditions" box and in the name box above the member's name.

18. HATE INCIDENTS/BIAS MOTIVATED CRIMES

Criteria for Reporting Hate Crimes and Hate Incidents

Hate crime reports shall be reported on a Crime Report (CR) and have “Hate Crime” marked on the Special Circumstances box on the face sheet of the CR.

Documented hate incidents, where an actual crime has not been committed, shall be reported using the appropriate report form(s) and marking “Hate Incident” in the definition box.

These reports shall be routed to the Hate Crimes Investigator in CAPERS.

19. ROBBERIES AND ALARMS

Investigative Requirements

While the face sheet of the Crime Report (CR) may appropriately describe a composite of victim/witness descriptions, the report narrative shall list each victim/witness description and actions of the suspect(s) separately in their respective statements. The CR shall reflect whether each witness/victim can identify the suspect(s) and whether they can do so by photo, in person, or both.

20. VEHICLE THEFT

Report Titles/Contents

All vehicles reported as stolen or embezzled shall be fully described and reported in a Crime Report.

Exception: All reports of Part 1 criminal offenses (see Code Section table on page 5-6) in which a vehicle is stolen will be titled using the highest offense committed. The "Other" box in the Special Circumstances block shall be marked and "10851" shall be inserted in the adjacent space. In such cases, the stolen vehicle
information shall be entered in the vehicle section on the face sheet of the CR. In all such combined reports, the words "Vehicle Crimes Unit" shall be entered in the Special Routing Box.

**Multiple Vehicle Thefts**

When more than one vehicle is stolen at the same time by the same person(s), a single Crime Report (CR) and narrative shall be written. Each vehicle taken shall be listed with a complete description on the face page of a CR. The first page shall contain all pertinent case information. Subsequent face pages need only contain vehicle information, case number and page number.

**Reporting Dealer License Plates**

The center number is the number assigned to the dealer and the two-digit number designates the number assigned to the license plate. The dealer license plate designation shall be written in the following sequence: center number, followed by lower right-hand number, followed by the words: "Dealer Plate."

**Boats and Trailers**

When a boat and trailer are stolen, the incident shall be reported as a vehicle theft. The trailer will be listed in the "vehicle" portion of the report and the boat will be shown as property taken incidental to the vehicle theft in the same manner as property inside an automobile would be shown. When boats and/or trailers are taken during a robbery or burglary, the report classification shall contain the notation "Boat" and/or number for the boat should be obtained and included in the report along with any serial or other identifying numbers.

**21. VEHICLE THEFT RECOVERIES**

**Reporting Requirements**

When a vehicle which was reported stolen to this Department is recovered by a member, a SR will be completed using the same case number as the original report. A VIR is required when the vehicle is towed and stored. The SR shall contain a vehicle recovery date, time, and location. A complete vehicle description shall be included detailing signs of forced entry, method of theft, items removed, etc.

When a vehicle is reported as both stolen and recovered in the same report, the report definition/classification shall be "Stolen/ Recovered Vehicle".

When a vehicle is recovered which was originally reported stolen to another agency, the LERF will be completed and assigned an FPD case number. The title of the report shall be "Recovered Out-of-Town Stolen Vehicle". The "Location of Occurrence" box shall be completed with the location of the recovery. The Name and Case Number information from the agency reporting the stolen shall be documented in the "related cases" box.

**Vehicle Processing**

Members who recover a stolen vehicle are responsible for examining the vehicle for evidence including processing for latent prints. When the vehicle is not dusted for latent prints, the member's report shall reflect the reason why. The report should also contain the specific location of any recovered latent prints.
Demographic Data Collection Form

Many law enforcement agencies have come under scrutiny for engaging in acts of Racial Profiling. Racial Profiling is defined as stopping a motorist based solely on a person's race without reasonable suspicion or probable cause, or unequal application of the law. Racial Profiling is illegal and alienates a significant percentage of the population. Furthermore, it fosters distrust of law enforcement by the community, invites media scrutiny, legislative action, and judicial intervention. Racial Profiling also goes against our core values and will not be tolerated by the Fresno Police Department or the citizens of Fresno. The Fresno Police Department will begin collecting information via the Demographic Data Collection Form on every motorist that is contacted by a Department member as a result of a traffic stop.

Effective May 1, 2001, the Fresno Police Department will begin participating in a CHP grant that focuses on traffic stops. Pursuant to this grant, our Department will collect demographic data on every driver that is contacted as a result of a traffic stop. The data will be collected on the person driving the vehicle and will not contain information pertaining to passengers. Determination of ethnicity should be documented on the form based on your perception after contact. When officers are making a determination of a driver's race, the determination shall be made by observation only. Unlike age and gender, which appear on an individual's driver's license, race or ethnicity often requires a verbal inquiry of the individual or the officer's subjective determination. The officer's perception is an appropriate means of ascertaining race or ethnicity. Therefore, officers shall not ask the driver to identify his or her ethnicity.

The data will be collected via the Demographic Data Collection Form (scantron) and forwarded to the Information Services Bureau for processing. The D.D.C.F. must be approved by a supervisor prior to submission to the Investigations Division. The Investigations Division will be responsible for the maintenance, analysis, and reporting of the collected data. The D.D.C.F. is configured to record data for nine traffic stops. Two separate D.D.C.F.s will be required to address traffic stops made prior to and after midnight. Officers must complete the D.D.C.F. prior to the end their shift pursuant to Procedure 402.

The D.D.C.F. will capture the following data:

(a) Date of the traffic stop;
(b) Officer/s I.D. number; (Driver and Passenger);
(c) District Assignment;
(d) Shift;
(e) Reason for Contact;
(f) Gender of the driver;
(g) Age of the driver;
(h) Race of the driver;
(i) Zone where the traffic stop occurred;
(j) Time of the contact;
(k) Description of the action taken; and
(l) If the vehicle was searched.

The back of the D.D.C.F. will contain the following keys:

1. Reason for Contact Key:
   (a) Hazardous Moving Violation
   (b) Non-Hazardous Moving Violation
   (c) Driver Wanted - Daily Crime Bulletin / Outstanding Warrant
   (d) Vehicle Equipment Violation (defective lights, etc.)
   (e) Investigative Stop (observed criminal activity)
   (f) DUI
   (g) Courtesy Stop (flagged down to assist citizen)
   (h) Seat Belt Violation
   (i) Other Motor Vehicle Violation
2. Race of Driver Key:

- W - White
- U - Hawaiian
- J - Japanese
- B - Black
- D - Cambodian
- F - Filipino
- H - Hispanic
- G - Guamanian
- P - Pacific Islander
- I - American Indian
- K - Korean
- A - Asian
- C - Chinese
- L - Laotian
- Z - Asian Indian
- S - Samoan
- V - Vietnamese
- O - Other
- X - Unknown

3. Action Taken Key:

- A - Arrest
- C - Citation Issued
- F - Field Interrogation Card completed
- W - Warning Given
- H - Citizen Assistance / Courtesy (Help)
Appendix C

Roll Call Training Bulletins (RCTB’s)
# Fresno Police Department
## Roll Call Training Bulletins

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<th>Topic</th>
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<td>Service Animals Assisting the Disabled</td>
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POSITIONAL ASPHYXIA

This training bulletin is intended to assist members in recognizing situations where in-custody death can occur due to positional asphyxia. Positional asphyxia usually occurs during arrest situations where a violent often times combative subject is taken into custody. Due to their violent nature, most subjects arrested during these encounters are placed on their stomachs, to reduce their ability to kick and injure officers, and to facilitate handcuffing. After handcuffing, the subjects handcuffs are then attached to a hobble which has been placed around the subjects ankles.

Asphyxia occurs when the body’s heart-rate and breathing become rapid due to the struggle. The subject is placed on their stomach, and the stretching of the subjects mid-section due to the hobble, restricts their ability to breath. Positional Asphyxia is not new. It can occur at any time and some people are predisposed to this condition. Several factors to be aware of are:

(a) Obesity;
(b) Drugs and/or alcohol intoxication;
(c) Violent struggle extreme enough to require officers to employ a hobble; and
(d) Unresponsiveness of subject during or immediately after a struggle

Several cases have been documented where subjects have died due to positional asphyxia. During the resulting autopsy, the subjects were found to have drugs in their system, however the levels were not toxic and drug intoxication was ruled out as cause of death.

To help ensure subject safety and minimize the risk of sudden in-custody death, officers should recognize several factors contributing to positional asphyxia including:

(a) Follow existing training and policy guidelines for situations involving physical restraint of subjects;
(b) As soon as the subject is handcuffed, get him/her off their stomach;
(c) Ask the subject is they have used rugs recently or suffers from any cardiac or respiratory disease or conditions such as asthma, bronchitis or emphysema;
(d) Recognize breathing difficulties or loss of consciousness and immediately transport the individual to a hospital;
(e) Obtain medical care upon the subjects request; and
(f) If the subject is turned over to a detention facility, inform the facility of any preexisting medical condition or that the subject requested or needed medical treatment because of respiratory difficulty or because he/she became unconscious.

In conclusion, officers who arrest a violent, combative person must protect themselves from further attack or possible injury. Using the hobble to restrain a subjects legs can cause an unintended physical reaction.
Drugs most commonly associated with rave events are:
* MDMA (methylenedioxy methamphetamine) aka: Ecstasy, Extasy, XTC, E, Love Drug - Most frequently found in a pill form in various shapes and with various markings. Applicable code violations: PC 647f (public intoxication) / H & S 11377 (possession) / H & S 11378 (possession for sale) / H & S 11379.6 (manufacturing);
* GHB (gamma hydroxy butyrate): aka: G, Liquid E, Liquid X, Grievous Bodily Harm, Easy Lay, Scoop - Most frequently found in clear liquid form. Applicable code violations: PC 647f (public intoxication) / H & S 11377 (possession) / H & S 11378 (possession for sale) / H & S 11379 (transporting/sell) / H & S 11379.6 (manufacturing);
* Nitrous Oxide: aka: N2O, NOZ, whippets - Most frequently inhaled through filled balloons or bags from whip cream cartridges. Applicable code violations: PC 381b (possession) / B & P 4059(a) (possession for sale);
* Ketamine: aka: Special K, Ket Found in both liquid and powder form and legally marketed as an animal tranquilizer. Most commonly inhaled or smoked. Applicable code violations: H & S 11377b(2) (possession) / H & S 11379.2 (possession for sale) / H & S 11379.2; and
* DXM (dextromethorphan): cough suppressant - Most frequently consumed in liquid form directly from marketed cough suppressant bottles but can be obtained in pill form. Applicable code violations: None - not illegal to possess or consume.

Common characteristics and paraphernalia associated with raves may include the following:
* Attendees are generally 13 to 25 years of age, and encompass all racial backgrounds;
* The events are often advertised as a spiritual, enlightening dance involving “love and hugs;”
* Genres of music, provided almost exclusively by disc jockeys include: trance, house, techno, garage, and jungle styles;
* Frequently several attendees are present from whom you can buy or acquire drugs. Promoters will usually advertise the event as being alcohol and drug free, and where only water is sold;
* Clothing usually consists of baggy pants or shorts or other loose clothing. This may also include flamboyant bright clothing and costumes such as body glitter, “fairy wings,” and character backpacks such as Pokemon;
* Clothing may have specific pockets to conceal drugs such as baseball caps with pills hidden in a flap behind the logo;
* Attendees may possess small pill, “Visine,” and “liquid bubble” bottles containing GHB or analog;
* Pacifiers, glow sticks, and beaded jewelry are very common and may or may not contain drugs themselves;
* Possession of a dust or gas mask is a significant indicator that the individual may be under the influence or may be planning to take Ecstacy;
* Dust or gas mask will usually be smeared on the inside with “Vicks” or a similar vapor rub ointment; and
* Additional neck chain pendants, known as “bombs,” may contain menthol or eucalyptus ingredients.

These gatherings occur worldwide and are not unique to California or the United States. Law enforcement agencies throughout the globe are attempting to combat these same problems of drug and rave parties in their own respective jurisdictions. A common strategy among promoters is to gather the party goers covertly at an inconspicuous underground rave site and to reach such a large crowd (500 plus) so as to intimidate the law enforcement agency from taking any enforcement action, thereby allowing it to continue. Due to the increase of these events in the Fresno area, it is important that they be dealt with quickly and effectively. Members investigating rave parties should determine if the organizer has obtained the necessary permits. If not, members should handle the events as existing law and Department policy allow.

The district POP Teams should be immediately notified when it has come to the members attention that a rave party has occurred in their district, or is being planned to take place.
Service Animals Assisting the Disabled

Department members may come into contact with a disabled person who is being assisted by a service animal. The following information should help members in providing assistance to disabled persons accompanied by service animals and to those persons in the community who may encounter them.

The Americans with Disabilities Act (ADA, Title III, 28 Code of Federal Regulations, sect. 36.104), defines a service animal as an animal that is individually trained to help a person with a disability (the disability may not be visible). By law, a service animal is not considered a pet. Most service animals are dogs; they can be any breed or size, and are not legally required to wear special equipment or tags. It is prohibited by law to require proof or certification of the service dog’s training. Service animals can assist with mobility, hearing, guide, seizure alert, emotional support and other work needed by the person because of disability.

Federal (i.e., ADA 28 CFR Sect. 38.302, Fair Housing Amendments Act [1988], Sect. 504 of the Rehabilitation Act [1973], Air Carrier Access Act [1986/90], and other regulations) and state laws protect the rights of individuals with disabilities to be accompanied by their trained service animals in taxis, buses, trains, stores, restaurants, doctors’ offices, schools, parks, housing and other public places.

The person who is accompanied by the service animal is responsible for its stewardship (behavior, care, and well-being), must obey animal welfare laws such as leash, cruelty or other similar regulations, and is liable for any damage done by the service animal.

To summarize two important points: once a person declares that his/her animal is a service animal it is illegal to ask for proof of the animal’s certification as a service animal; and a person’s medical need for a service animal may not be readily apparent.

Additional information regarding the Americans with Disabilities Act can be obtained by contacting the U.S. Department of Justice ADA Information Line at 800-514-0301.
Carotid Neck Restraint Application

The carotid restraint is a control hold that reduces the flow of oxygenated blood to the brain, which if properly applied results in the temporary loss of consciousness. The carotid restraint is not a choke hold and should never be referred to as such.

The lateral pressure applied to the neck in this technique compresses three major areas of the neck anatomy:

1. Carotid artery, supplies the majority (70-80%) of oxygenated blood to the brain;
2. Jugular vein, carries oxygen depleted blood away from the brain; and
3. Vagus nerve, controls heart stimulus.

There are two approved methods for performing this maneuver:

**Method 1**

When applying the carotid restraint the officer should approach the seated suspect from behind. The officer will place one arm around the suspect's neck. The pit of the officer's arm should be on or over the suspect's shoulder. This will give the officer the arm length needed to bend around the front of the suspect's neck without making contact with the suspect's esophagus. This method also will create a "gap" between the suspect's esophagus and the officer's inner arm at the joint of the forearm and the bicep.

The officer will bend their arm around the suspect's neck. The bicep will contact one side of the suspect's neck while the forearm will contact the opposite side of the suspect's neck. Officers will find their elbow will be pointed in the same direction (pointing in a 45 degree downward angle) as the suspect's "Adam's apple."

In maintaining control of the suspect, the officer will clasp the palm of his freehand, thumbs out, to the palm used in the carotid restraint. This configuration will aid in exposing the radius bone of the forearm to the outer area of the suspect's neck. The elbow of the opposite arm should be pointed downward in the center of the suspect's back.

Slow, steady and even pressure should be applied to both sides of the neck. Pulling back while applying pressure will cause the gap between the bicep, forearm, and esophagus to close, suffocating the suspect.

**Method 2**

There is a second method for safely completing this procedure. After extending one arm around the suspect's neck, the officer will take their free arm and place it over the suspect's opposite shoulder. The officer will place the palm of the hand used to secure control of the suspect (the arm around the suspect's neck), in the joint of the bicep and forearm of the free arm. After a firm grip has been secured the officer will raise his free hand to the top of the suspect's head securing a firm grip while gently applying pressure. Do not push the suspect's head forward as this will cause potential stress to the suspect's neck.

Remember to protect your neck and head by keeping your head and shoulders firmly against the back of the
suspects head. This will aid in avoiding head butts and protect you from eye gouges and punches. Whenever possible, avoid multiple applications of the carotid restraint on the same subject.

With proper application the average person should reach unconsciousness within 5-15 seconds, and should regain consciousness within 20-30 seconds after release. The presence of alcohol, drugs and other stimulus such as adrenaline can affect the time in which it takes for someone to lose and regain consciousness. A person regains consciousness in the same state of mind they were in prior to being rendered unconscious. Therefore, make sure the suspect is secured as quickly as possible.

Possible Physical Effects

Subjects who have been rendered unconscious by officers may exhibit some of the following side effects:

(1) Convulsions;
(2) Vomiting;
(3) Nose bleeds;
(4) Burst capillaries; and
(5) Loss of bladder control and/or bowel movement.

Maintaining the hold for too long can result in the brain damage. Tilting, jerking, twisting or improper pressure to the back of the head and/or neck can result in spinal injuries and/or death. Pressure applied to the front of the neck (throat) can rupture, fracture or collapse the larynx, or trachea causing asphyxiation or damage to hyoid bone causing swelling and possible suffocation.

To maintain proper air passage avoid placing the subject on their back or stomach. The officer shall monitor the respirations and pulse of the unconscious suspect until they regain consciousness or EMS arrives on scene.

This technique should not be applied to a suspect who is standing. However, some circumstances may arise that cause an officer to apply this technique while the suspect is standing or in the prone position.

All subjects rendered unconscious by an officer shall not be released, cited, or booked without medical clearance.

Medical Attention

All suspects that have the carotid restraint applied shall receive medical attention. Officers shall have EMS respond to the scene for immediate evaluation and shall have the suspect transported to UMC for further evaluation. All subjects rendered unconscious by an officer shall not be released, cited, or booked without medical clearance.
U.S. Mail Offenses

The Postal Inspection Service has the authority to conduct primary and follow-up investigations of mail offenses involving the following:

(a) Post Office burglaries, robberies, etc;
(b) Theft of mail;
(c) Possession of stolen mail;
(d) Assauling a mail custodian;
(e) Forgery of postal money orders;
(f) Fraudulent use of the mail;
(g) Obscene matter in the mail;
(h) Explosives, poisons, etc., in the mail; and
(l) Damage to mail boxes or mail.

Members who are assigned to any of the above incidents are responsible for conducting the initial investigation and documenting the incident in the absence of a Postal Inspector. Members shall request special routing of this report to the Postal Inspector.

Under Title 18 of the United States Code, Section 1708 (18 U.S.C. 1708), it is a felony to possess stolen mail. Officers who come in 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 any reports of the incident shall be forwarded to the Postal Inspector by the Records Bureau.

U.S. Postal Inspector Team Leader, Frank L. Ducor, of Mail Theft Team Fresno, has notified the Department of their enhanced efforts to combat mail and identity theft crimes. Ducor has provided plastic business cards that members can carry with them (cards are available at the district stations). This card includes a 24 hour phone number of . Members can call this number 24 hours a day when they come into contact with persons who are in possession of stolen mail, stolen or washed checks, Postal Service keys (either original or counterfeit), credit cards, or items marked U.S. Postal Service. Postal Inspectors will attempt to respond in a timely manner and assist department members.
Roll Call Training Bulletin

Fresno Police Department

Bulletin #06-08    July 27, 2006    JERRY DYER
Chief of Police

Crimes Against Service Dogs for the Disabled

The purpose of this Roll Call Training Bulletin is to make members aware that some animal calls for service are a violation of the Penal Code and should not automatically be referred to the SPCA. Most members are aware of guide dogs that assist individuals with impaired vision; however they may not be aware of other types of service dogs.

PC 365.6 (b)(2) states "Guide, signal, or service dog" means any dog trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, pulling a wheelchair, or fetching dropped items. (Refer to RCTB 04-01 that deals with service animals)

Most calls for service regarding attacks by dogs are routinely referred to the SPCA unless they meet one of the three exceptions outlined in S.O. 3.8.4. which are:

(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.”

Three sections of the California Penal Code pertain to service dogs for the disabled and should generate a call for service if they meet exception (a) above.

PC 365.6 (a) makes it a misdemeanor for any person, without legal justification, to intentionally interfere with the use of a guide, signal, or service dog by harassing or obstructing the guide, signal, or service dog.

PC 600.2 (a) makes it an infraction or misdemeanor “for any person to permit any dog which is owned, harbored, or controlled by him or her to cause injury to or the death of any guide, signal, or service dog, as defined by Section 54.1 of the Civil Code, while the guide, signal, or service dog is in discharge of its duties.”

PC 600.5 makes it a misdemeanor for any person to intentionally cause injury or death of any guide, signal, or service dog while the dog is in the discharge of its duties.

Members are encouraged to review these cited sections to become familiar with their elements.

When receiving calls from the public, care should be exercised to ensure that incidents involving dog attacks against or interference with service dogs be correctly evaluated in relation to these criminal sections.

When a reported incident involving a service dog does not meet the elements of these crimes, the reporting party should be referred to the SPCA for follow up on incidents involving violations of the Municipal Code dealing with unleashed and vicious dogs.

REFERENCE

RCTB 04-01
Landlord/Tenant Disputes and the Police

PURPOSE:

The police officer's role requires that they deal with all areas of human conflict, including the handling of landlord/tenant disputes. Although the traditional practice of police departments has been to regard landlord/tenant conflicts as civil only, very often such disputes involve a misdemeanor violation of the Penal Code or result in some type of violence. It is important, therefore, for police officers to be aware of both the practical and the legal issues involved in the typical landlord/tenant disputes in order to prevent these conflicts from escalating into violent confrontations. An officer who understands the basic civil and criminal law in this area can be effective in mediating landlord/tenant disputes.

Penal Code Violations in Landlord/Tenant Disputes:

Effective handling of landlord/tenant disputes requires an understanding of applicable Penal Code provisions. The police officer should try to avoid arrest and achieve a lasting solution to the dispute by explaining to the parties what conduct is not lawful and by suggesting alternative solutions that are lawful.

A. Unlawful Conduct by the Landlord

1. Tenant Lockout -  
   Very often when a tenant is behind in the rent, the landlord will jam or change the tenant's door lock in order to prevent the tenant's further use of the dwelling until the rent is paid. This lockout procedure is a misdemeanor prohibited by Section 418 of the Penal Code.

2. Seizure of Tenant's Property -  
   A landlord will also seize the tenant's possessions as payment for past-due rent. A seizure also results when the landlord has locked the tenant out of the dwelling, since the tenant's possessions are thereby locked in. The seizure of a tenant's property is a misdemeanor, prohibited by Penal Code Section 418. To seize the property, the landlord must follow the procedures set forth in Civil Code Section 1861a.

3. Removal of Doors or Windows -  
   If landlords remove the doors or windows to the tenant's dwelling in an attempt to evict the tenant, or in any other way destroys the tenant's property, they may be guilty of malicious mischief, in violation of Penal Code Section 594. Even though landlords may thereby be destroying their own property, the courts have held that since a tenant has a property interest in the premises, any such acts of destruction by the landlord constitute malicious mischief against the tenant.
4. Termination of Services -
Interference with the tenant's ability to obtain services, such as gas, electricity, and water, is also a common practice of landlords who desire to rid themselves of an uncooperative tenant. California Civil Code Section 789.3 makes landlords liable in a civil action for:

a. actual damages;
b. punitive damages; and
c. attorney's fees

5. Trespass -
A landlord will often enter the tenant's premises without permission from the tenant. If the entry is reasonable, for example, to repair a leaking water pipe or to investigate smoke, it is not considered a trespass. In addition, if the tenant has consented by lease to the landlord's entry at will, then such entry is not trespass. However, a landlord will often enter the tenant's premises without prior permission in order to harass the tenant or to snoop around. This conduct is considered to be a trespass, and a landlord who engages in such conduct is guilty of a misdemeanor offense (Penal Code 602.5).

B. Actions the Police Officers Take

Even though the landlord may have proper legal grounds for evicting the tenant, it is unlawful for them to use any of the above methods in an attempt to force the tenant to vacate the premises. Rather, they must bring a civil suit, called an "unlawful detainer" action, to have the tenant legally evicted. In the usual case, an officer will respond to a call from an angry tenant who has been locked out of his/her apartment. When the officer arrives on the scene, he will be faced with a potentially violent confrontation between the landlord and the tenant.

Many times an officer will merely inform the parties that their dispute is a civil matter and leave. But if the officer understands basic legal principles, he/she can often resolve the dispute by informing the parties of their legal rights and obligations.

If the officer has responded to a tenant's complaint that his landlord has locked him out; seized his property; removed the doors or windows to the premises; interfered with the use of his utilities; or unreasonably trespassed on the premises, the officer can often successfully resolve the dispute by:

1. Informing the landlord that he/she has probably committed a misdemeanor violation by the act; and
2. Briefly explaining to the landlord that if he has legal grounds for evicting the tenant, he should bring an unlawful detainer action against the tenant.

Very often the landlords are unaware that their conduct is unlawful and that they have committed a misdemeanor. A simple explanation by the officer that the landlord's self-help measures are unlawful will often be enough to satisfy him. If, however, the landlord is uncooperative (e.g., refuses to replace the tenant's doors and windows), the officer can explain that criminal proceedings can be initiated by the tenant (e.g., citizen arrest for Penal Code Sections 418 and 594). This tactic usually ensures the landlord’s cooperation.

In addition, even though this approach may settle the immediate conflict (e.g., the tenant who has been locked out of his/her apartment can gain re-entry), it will probably not resolve the problem permanently. The tenant may continue to remain behind in rent payments and the landlord will try to get rid of the
tenant in another equally illegal way. Thus, the officer should not only resolve the immediate conflict, but should aid the parties in achieving a long-range solution to their problem.

Civil Law in Landlord/Tenant Disputes:

If a police officer has knowledge of the relevant civil law that may be involved in the typical landlord/tenant dispute, he/she will be better equipped to handle the immediate problems and suggest a permanent solution. For example, if a landlord has locked the tenant out for non-payment of rent, the officer could briefly explain to the landlord how he/she can legally evict the tenant. Simply telling the landlord that lockouts are unlawful might get the tenant back into the apartment again, but that alone will not resolve the landlord's problem.

A. Eviction

The best legal way for a landlord to evict a tenant is by bringing an unlawful detainer action in court. There are several steps in this proceeding.

1. Notice -
   If the tenant has violated any of the conditions of the lease or rental agreement (e.g., failure to pay rent when it was due or keeping a pet when this is specifically prohibited), the landlord must give the tenant a three-day written notice to either correct the condition or move, prior to bringing an action in court to evict the tenant. This means that if the tenant who is behind in the rent pays the total rent due within the three-day period, the landlord cannot have the tenant evicted.

   The landlord must give a copy of this notice to every adult to whom the premises was rented. In addition, the landlord must serve the tenant with a legally correct notice. Such forms are available at stationery stores or on-line.

   In addition, a landlord has the right to terminate a month-to-month tenancy for almost any reason, even if the tenant has not violated any provisions of the rental agreement. To do this, the landlord must first serve the tenant with a written notice instructing him/her to vacate the premises within 30 days. If the tenant fails to move within 30 days, the landlord must then bring an unlawful detainer action against the tenant.

2. Unlawful Detainer Action -
   If the tenant has been properly served with a 3-day or 30-day notice and does not comply with it, the landlord can bring court action to evict him/her. The landlord initiates this action by filing an "unlawful detainer" complaint with the Fresno County Superior Courts (Small Claims Court).

   a. Small Claims Court -
      A landlord can bring an unlawful detainer action in Small Claims Court and get a judgment for back rent only when:

      (1) The tenant is behind in the rent;
      (2) The property is residential; and
      (3) The tenancy is for longer than month-to-month. No attorneys are allowed in Small Claims Court, so each party must represent him/herself.

   b. Superior Court -
      The Superior Court can evict a tenant and give the landlord a judgment in any case where the rental value of the premises is $600 or less per month. Unlike Small Claims
Court, which can hear an unlawful detainer action only when the tenant is behind in the rent, the Superior Court can hear an eviction action based on:

1. any violation of the lease or rental agreement (including non-payment of rent); or
2. a month-to-month tenancy where a 30-day notice has already been given.

While Superior Court proceedings are more expensive because attorneys are necessary, an unlawful detainer action brought in that court is quicker. An eviction may take as little as ten days in Superior Court, whereas in Small Claims Court, it may take more than seven or eight weeks, if the tenant stays until the last possible moment. If the landlord wants to bring his/her own action in Small Claims Court, the clerk's office will assist him through the entire process.

B. Who Wins What?

1. In Superior Court -
   If the landlord wins the unlawful detainer action, he/she will be able to:
   a. Get an eviction order so that the sheriff can move the tenant off the property, if necessary; and
   b. Get a judgment for the unpaid rent. In addition, the landlord may be able to recover up to three times the amount of the unpaid rent, if the tenant intentionally, in bad-faith, refused to pay the rent. The landlord can also recover his/her court costs and often even attorney's fees.

   If the landlord is successful in the unlawful detainer action, the tenant has the right to appeal; but, it is up to the judge as to whether the tenant can remain on the premises during the appeal period. If the tenant wins the case, he/she can have the landlord pay the court costs.

2. In Small Claims Court -
   If the landlord wins the unlawful detainer action, he/she can recover a judgment for back rent. The tenant may file an appeal with the Superior Court and have the action retried in the Superior Court. During the time of the appeal, the Small Claims judgment cannot be acted upon. Thus, the tenant may remain on the premises during the course of the appeal. For this reason, many landlords prefer to bring their unlawful detainer actions in Superior Court.

   If the tenant wins the case, the landlord cannot appeal. The tenant may remain on the premises, and the only way the landlord can evict him/her is by bringing a new unlawful detainer action based upon other grounds.

What Are the Landlord's Obligations?

A. Landlords have a general legal obligation to keep the premises they rent in a condition fit for human occupancy and to repair all defects that make the premises uninhabitable. This means that the landlord must provide an apartment/house that has:

1. A structure that is weatherproof, waterproof, and rodent-proof
2. A workable plumbing system
3. One working toilet, bathtub, and bathroom sink
4. One working kitchen sink
5. Adequate heating facilities
6. Safe electrical wiring
7. Adequate garbage and trash storage and removal facilities

The landlord cannot waive these requirements by placing the burden to repair these facilities on the tenant as part of the conditions of the lease.

What Can the Tenant Do?

A. If a landlord fails to perform his/her responsibilities of keeping the dwelling in good repair, the tenant should inform the landlord in writing of the problem.

If the landlord fails or refuses to correct the problem after being notified of the defect, the tenant has several alternatives:

1. If the defective condition is a violation of the Housing Code, the tenant should consider reporting the violation to the housing authorities. They will investigate the defect and compel the landlord to correct it. If the problem is one that is not handled by the housing authorities, the tenant should consider calling the Department of Environmental Health for help.

2. Sometimes the tenants are allowed to repair defects themselves and then deduct the repair costs from the rent. According to California Civil Code Section 1941, a landlord is required to keep the apartment/house in good repair and fit for human beings to live in. Another provision, Civil Code Section 1942, allows tenants to have the repairs done themselves and deduct the cost from one month's rent. It must be noted that the repair bill may not exceed one month's rent. Also, any agreement by the tenant to waive their Section 1942 rights is "void as contrary to public policy."

If there is a defect in the tenant's premises that qualified for self-repair, he/she should notify the landlord and ask the landlord to fix it. Such notice should be by letter. The tenant should make sure that:

a. The problem is serious, for example, the toilet fails to work, the roof leaks, or the gas heater is unsafe;
b. The problem was not caused by the tenant's negligence, carelessness, or failure to clean; and
c. The tenant has not exercised their Section 1942 rights within the last 12 months.

The tenant should give the landlord a reasonable amount of time to fix the problem. What is reasonable will vary from problem to problem. If, after notice, the landlord doesn't make the repair, the tenant can have the defect repaired, as long as the cost of repair does not exceed one month's rent.

3. The tenant can move out of the dwelling even if he/she has a lease. This procedure, known as a "constructive eviction," is allowed when the landlord has materially interfered with the tenant's use and enjoyment of the premises. If a tenant is constructively evicted, he/she is no longer responsible for further rental payments.

4. Some California courts have held that tenants have an implied warranty from their landlords that the premises they have rented are completely habitable. If a material defect is discovered and the landlord refuses to repair it, these recent decisions may allow a tenant to withhold the rent until the landlord repairs the defect. However, tenants should be cautioned to get the help of an attorney if they want to withhold their rent in this way.
Distinctions Between Landlord/Tenant and Innkeeper/Guest:

A. There are certain distinctions between landlord/tenant and innkeeper/guest relationships that an officer should be aware of. In the landlord/tenant situation, the tenant has an actual property interest in the apartment and is protected by the law in his/her use and enjoyment of the premises and in his/her personal effects. Only after obtaining a court order may a landlord evict a tenant or seize the tenant's property.

B. The relationship between an innkeeper (hotel or motel) and a guest is based on contract rights rather than property rights. If a guest has breached the contract by defaulting in payment due or otherwise, the guest becomes, in essence, a trespasser and may be evicted immediately by the innkeeper. Further, Civil Code Sections 1861.1, et seq., gives the innkeeper far more latitude in claiming and enforcing a lien on the guest's property. The defaulting guest may also be arrested for defrauding the innkeeper pursuant to Penal Code Section 537.

C. Whether a particular relationship is that of a landlord/tenant or innkeeper/guest is largely a factual determination.

D. The following factors would tend to support a landlord/tenant relationship:
   1. The building appears to be designed for permanent rather than transitory occupancy.
   2. Each unit is self-contained, including kitchen and bathroom facilities.
   3. Long-term rental agreements.
   4. Rent that does not vary with the number of occupants.

E. On the other hand, the presence of the following factors would tend to support an innkeeper/guest relationship:
   1. Presence of common cooking or bathroom facilities.
   2. Proprietor's retention of key and right to enter premises at frequent or unlimited times.
   4. Furnishing of linens, maid service, etc.

F. Often, hotels and motels will rent rooms on a long-term basis. Thus, although the room is in a hotel or motel, the person occupying the room is a tenant entitled to the same protection as tenants in apartment buildings. If the individual has occupied the room or apartment for more than 14 days, and if that individual pays on other than a daily basis (e.g., weekly, monthly), the relationship is more likely one of landlord/tenant and not innkeeper/guest.
California
Eviction Flowchart

3-Day Notice
3 Days

Pays rent or cures violation of rental agreement

MATTER ENDS

30-Day Notice Terminating Tenancy
30 Days

Does not move within 30 days

Summons and Complaint
5 Days

Files Motion to Quash Service of Summons

Files Answer, Jury Demand, Discovery

Files Demurrer or Motion to Strike

Files Motion to Quash Service of Summons

5 Days

HEARING

LOSE

Landlord Must Start Over

Memorandum to Set for Trial

8 to 13 Days

TRIAL 1 - 4 Days

LOSE

• Tenant stays in possession
• Tenant must pay all back rent within 5 days
  (at amount determined by jury or court if defense is habitability)
• Tenant recovers cost of suit
• Tenant recovers attorney's fees
  (if provided for in rental agreement)

WIN

1 to 5 Days

Sheriff's Notice

6 to 8 Days

Sheriff's Eviction

Sheriff's Eviction

Sheriff's Notice

6 to 8 Days

Sheriff's Eviction

Sheriff's Eviction

Sheriff's Eviction

Sheriff's Eviction

Sheriff's Eviction

Sheriff's Eviction

Sheriff's Eviction
Eviction of Single Lodger from Owner-Occupied Home or Apartment

The following code sections provide officers with guidance on the handling of calls relating to the eviction of a single lodger from an owner-occupied home or apartment:

**Civil Code 1946.5**

The renting of a room by a single lodger on a periodic basis within a dwelling unit occupied by the owner may be terminated by either party giving written notice to the other of his/her intention to terminate the agreement. The time period in which the tenant must vacate the residence shall be in accordance with the rental agreement.

**Civil Code 1946**

If the owner/tenant agreement specifies rental on a month-to-month basis, the tenant must be given 30 days to vacate the residence. If the agreement establishes a week-to-week basis, the tenant must be given 7 days to vacate the residence. If the agreement establishes a day-to-day basis, the tenant must be given 7 days to vacate the residence. When there is no time period set in the rental agreement, a 30-day time period must be used.

**Code of Civil Procedure 1162**

Notices of termination may be served personally at the residence or at the tenant's place of business. If the tenant is absent from his residence and from his usual place of business, a copy of the notice may be left with some person of suitable age or discretion, at either location. A copy of the notice must then be sent, via certified or registered mail, to the tenant's residence. If a person of suitable age or discretion cannot be located, the notice can be served by affixing a copy of the notice in a conspicuous place on the property (e.g., front door).

**Penal Code Section 602.3**

A single lodger in an owner-occupied dwelling who fails to vacate after receipt of notice is guilty of an infraction and may be arrested by the owner of the residence. Officers who are called upon to assist in the removal of a single lodger should confirm the following:

1. The owner occupies the dwelling.
2. There is only one (1) lodger. (Relatives are not lodgers unless they are paying as such.)
3. The notice to vacate has been properly served and the tenant has been afforded the proper time period to vacate the residence.

Unwelcome guests (relatives) and single lodgers are common problems for the elderly and dependent adults. Officers have the authority to assist in the removal of unwelcome guests (relatives) or single lodgers from private homes under PC Sections 602.3 and 602.5 (see below).
When the victims are elderly or dependent adults and other abusive behavior has occurred, the responding officer should also consider enforcement under PC 368 (Elder and Dependent Adult Abuse)

**Trespassing In Owner/Renter Occupied Homes or Apartments**

**Penal Code Section 602.5 states:**

"Every person other than a public officer or employee acting within the course and scope of his employment in performance of a duty imposed by law, who enters or remains in any noncommercial dwelling, house, apartment, or other such place without consent of the owner, his agent or the person in lawful possession thereof is guilty of a misdemeanor."

A guest in the home of another person has no right of tenancy, regardless of the length of stay or relationship.

Guests may remain only as long as they are welcome.

The host does not have to evict an unwelcome guest.

A guest is any person who is allowed to enter or remain without required compensation, such as money, goods, or service.

A guest who freely provides money, goods, or services out of gratitude for the hospitality cannot claim a right of tenancy-at-will.

Officers called upon to assist in the removal of a guest should obtain a citizen's arrest if necessary and enforce Section 602.5 P.C.
FIELD INTERVIEW/INTERROGATION CARDS

The Field Interview/Interrogation Card, commonly referred to as an FI, is a critical part of the process to identify, arrest and prosecute individuals who commit criminal offenses. Often, the FI contact is a key factor in closing current and cold cases. There are many reasons for completing a comprehensive FI card when making field contacts. These contacts provide investigators with important intelligence information, track the location and movement of suspects and are useful in determining the identity of subjects that associate with criminals and potential witnesses.

There are currently two methods of completing an FI card; electronically through Report Writer, and manually on a hard copy FI card. The electronic version is preferable because the FPD RMS system is instantly updated once the FI is submitted by the officer and additional data entry by ISB is not necessary. Additionally, the electronic FI allows for a more comprehensive narrative which can be valuable for the follow up investigator.

When completing an FI, it is important to verify as much information as possible and fill out the form completely. Officers also need to properly document the probable cause for the stop or detention that results in the completion of an FI. Lack of probable cause for the contact will impact the ability to use the information contained in the FI in court. This applies to all FI’s, especially those involving gang members, suspected gang members or their associates. Incomplete FI’s can hinder the gang validation process and impact prosecution of suspects under Penal Code 186.22.

FI information is searchable via the PD-ISYS search engine, located at the following internet browser link; http://isys/ and, will eventually be available in Patrol Cars when a new wireless system is available.
1. Admits gang membership. During contact with the subject he/she must tell you he/she is a gang member and what set they belong to. (i.e., not just Crip, Blood or Bull dog rather Modoc, Lewis St. etc.)

2. Associates with known gang members. The subject has been contacted with a known gang member or associate. Check in RMS and with MAGEC.

3. Having gang tattoos. Tattoos that are gang related, i.e., gang name, moniker, symbol. Ask the subject what the tattoo means to them and document what he/she says.

4. Wears gang clothing, jewelry, etc. Don’t assume it’s gang related just because of the color. Ideally, the subject should tell you the clothing is gang related unless it’s obvious, i.e., the gang’s name is written on a shirt with the hundred block.

5. In gang photos or uses gang hand signs. Take photographs during gang contacts and ask the gang member to show you a gang hand sign. If you seize old photographs, try to obtain names of other gang members in the pictures and when/where it was taken. Notify MAGEC of the case number!

6. Name appears on gang documents, list and/or graffiti. Subject’s true name or moniker appears on any type of written documentation or roster.

7. Identified by a reliable source. Law enforcement, parent’s, teachers, reliable informants, neighbors, etc.

8. Arrested with gang members or associates. Generally, should not be the same incident used in criteria #2. Document the date and location of the arrest.

9. Corresponds with known gang members. Writes to gang members or receives mail from gang members.

10. Does graffiti. Photograph and document the graffiti. Make copies of notebook, papers, etc.
Gang detectives assigned to the MAGEC unit review arrest reports and advise Fresno County Juvenile Probation officers of juvenile gang members, or their associates, who may be appropriate candidates for GPS monitoring. Juvenile Probation officers determine if a GPS sentence will be recommended. Juvenile judges review these sentencing recommendations, and decide who will be released on GPS monitoring. GPS sentences during the pilot program will be limited to sixty days.

FPD Crime View Bureau inputs the offender into the SecureAlert software, noting any curfews and prohibited zones specific to that individual. Juveniles released on GPS monitoring, and their parent(s), will meet with the Mayor’s Gang Prevention Initiative (MGPI) staff within two days of sentencing. MGPI staff will review the terms and conditions of the juvenile’s probation, and explain how to use the GPS device. MGPI services will be offered to the juvenile, with the hope that at this critical juncture the juvenile will realize it is time to leave the gang lifestyle. Upon successful completion of their sentence, the juvenile will contact MGPI personnel to remove the device.

Effective August 30, 2007, the Fresno Police Department, in cooperation with Fresno County Probation and the SecureAlert Corporation, completed training and placed GPS ankle monitors on two juvenile offenders. This program is a six-month pilot, and will include up to twenty juvenile offenders who are gang members or associates.

Active monitoring by SecureAlert’s 24 hour monitoring center begins immediately on installation. The GPS device alerts the monitoring center when an offender tampers with the unit, leaves a specified zone, or enters a prohibited zone. Notifications are made to the probation officer and the Fresno Police Department for each violation. For more serious violations, the monitoring center will attempt to notify, in order:

1. The assigned probation officer.
2. The on-duty gang sergeant (8M10, 8B10).
3. The Field Commander (pager).
4. The Duty Office.
5. The Communications Center.

Once the monitoring center makes contact with an individual, SecureAlert will not continue down the list. It is the contact person's responsibility to coordinate an appropriate police response, after gathering the following information:

1. Name of the offender.
2. Current approximate location of the offender.
3. Nature of the alert (tamper, zone violation, etc.)
4. Offender's authorized location (where is he supposed to be?)
The SecureAlert monitoring center can quickly guide officers to the offender's precise location, similar to an On-Star or TeleTrak call. However, GPS "addresses" are approximate, and may not correspond to actual postal addresses. When actively searching for an offender, personnel are encouraged to keep the monitoring center on the line until the offender is located.

Removing the tactical advantage of surprise. In case of a barricaded offender, the monitoring center can communicate directly with the offender via the cell phone built into the device. Officers are urged to set a perimeter prior to activating the siren, and are cautioned to use this tool only as needed. Suspects may plan countermeasures to the audible siren if they become aware of it.

If the offender is tracked to a certain location, but officers are not able to find them, the monitoring center can activate a 90 decibel audible siren on the GPS device to aid in locating the offender. When contacting a GPS equipped offender, it is important to check the terms and conditions of their probation, and contact the probation officer if you have evidence of a probation violation. A GPS alarm by SecureAlert is only an indication of a possible violation. These incidents must be investigated and verified to confirm actual violations of probation. All GPS offenders have waived their 4th amendment rights regarding search and seizure.

Designated personnel can access a secure website to check on the current location of a GPS monitor at any time. Recorded data of the device's location is retained for up to two years, and can be accessed and cross-referenced against specific incidents to determine if an offender was at the scene of a crime.

As we move forward in this pilot program, we appreciate your cooperation and assistance in making it a success. Please contact me at (559) 621-2330, or at burke.farrah@fresno.gov with any feedback or questions.
DMV HISTORY CHECKS AND FELONY DUI’S

The purpose of this Roll Call Training Bulletin is to remind officers of the laws related to charging suspects with a felony DUI. VC 23550(a) states that upon the fourth arrest of a person who has been previously convicted within a ten year period of at least three charges of VC 23103, or 23152, or 23153, or any combination thereof that a felony can be charged. The correct charges to be filed when a suspect is arrested on a fourth DUI after three convictions within a ten year period would be VC 23152(a)/VC 23550(a) and/or VC 23152(b)/VC 23550(a). The addition of VC 23550(a) changes the charge to a felony and the suspect can now be held pending bail, currently $30,000, for each charge. (That’s $60,000 bail for both VC 23152(a)/VC 23550(a) and VC 23152(b)/VC 23550(a))

While it is not practical for officers to run a complete criminal history on all subjects arrested, it is expected that officers will complete a DMV license check when suspects are arrested for DUI. When a DMV license check is conducted, close attention should be paid to the number of suspensions for DUI and the convictions for DUI. When a subject’s DMV record indicates three (3) or more convictions for DUI in a ten year period, than the fourth arrest is chargeable as a felony. When the convictions show one (1) or two (2) prior DUI arrests and the number of suspensions exceed that amount, further investigation, including a criminal history check should be completed.

Below is a condensed DMV printout of a subject that has four (4) convictions for DUI and eight (8) suspensions for DUI. This information is accessible and easily obtained from any MDS and can be read and interpreted by dispatch for motors not having access to a computer. This particular subject actually has eleven (11) convictions for DUI, per the criminal history.

While the DA’s office can upgrade the charges before the preliminary hearing and charge the appropriate felony, the suspect is still out on the streets and will most likely continue to drive and endanger other motorists and pedestrians. When officers charge the suspect with the felony section the suspect can not be released without posting bail.

It should be noted that suspects with previous DUI history may be on probation for the previous DUI(s) and can also be arrested on the violation of probation charge.
VEHICLE REPORT NO: 23152A VC 909267

DMV RECORD FOR LAW ENFORCEMENT USE

DL/NO: ********** B/D: 08-25-1960

NAME: ***********

MAIL ADDR AS OF 03-03-06: *********** AVE FRESNO 93711*

OTH/ADDR AS OF 12-13-05: ************ AVE FRESNO *

AKA: *************

AKA: *************

IDENTIFYING INFORMATION:

SEX: MALE* HAIR: BROWN* EYES: BRN* HT: 5-07* WT: 203*

ID CARD MLD: 11-08-02* EXPIRES: 08-25-08*

LIC/ISS: 09-02-04* EXPIRED* CLASS: C NON-COMMERCIAL*

ENDORSEMENTS: NONE*

LATEST APP: DL TYPE: D* DUPLICATE* ISS/DATE: 09-19-05* OFFICE: PIN* BATES: POL*

LICENSE STATUS:

SUSPENDED OR REVOKED
POST OFFICE RETURNED UNCLAIMED*
SERVICE NEEDED, SEE HISTORY BELOW*

DEPARTMENTAL ACTIONS:

Additional Suspension Actions removed to condense document

DRV LIC REVOKED * EFF: 07-31-07* ORDER MAILED: 07-01-07* AUTH: 13352A7*

REASON: DRUNK DRIVING OR DRUGS* SERVICE: A/07-01-07*

WRITTEN NOTICE SERVED BY OFFICER*

CONVICTIONS:

VIOL/DT CONV/DT SEC/VIOL DKT/NO DISP COURT VEH/LIC
08-19-97 10-28-97 23152B VC 906261 GJ 10440
12-02-21-01-03-03-146012 VC 900876 CGJ 10440

!*COURT PROB, TERM NOT REPT'D

DMV POINT COUNT 2 08-10-05-06 06-09-06-09-06 23152A CGJ 10440

DMV POINT COUNT 2 03-03-06-06 07-20-06-06-06 12500A VC 029683 C

DMV POINT COUNT 0 04-07-06-06 06-09-06-06 2315-2A VC 902752 GJO 10440

DMV POINT COUNT 2 2315-2A VC 902752 GJO 10440

FAILURES TO APPEAR:

NONE

ACCIDENTS:

DATE/TIME LOCATION FR CASE NO PARTY FOUND MOST AT FAULT

END 06CM11 23152A VC 12-13-05-05 07-13-06-06 23593 VC *COURT PROB 60 MO

23593 VC *COURT PROB 36 MO
REPORT VERIFICATION SYSTEM (RVS) REJECTION GUIDELINES (revised)

All police reports are subject to three separate reviews. First, the sergeant/supervisor reviews the report for omissions and errors. Second, the RVS robot confirms basic information is contained in the report. Third, specially trained RVS personnel conduct a thorough review to confirm applicable report criteria is completed. Report Verification is a delicate balance of competing needs. If the RVS review is inadequate, CrimeView data will be incorrect. If too many reports are rejected, CrimeView data will be delayed. The Department developed these RVS Rejection Guidelines to minimize report rejections while ensuring high quality data.

1. **Case Section (CAS) Code.** Reject if not titled appropriately – i.e. the officer did not use the Case Section drop down menu. If the drop down is not used, no CAS code will be present; or, an incorrect CAS code will be present.

2. **GEO code (district, sector, zone).** If addresses are not entered properly, the geo code won’t appear. Officers should use the red check box to confirm valid addresses. If corner location (Garden @ Olive) is entered without directions, the system won’t accept it. Streets require a direction (N Garden @ E Olive). The Geo location (district, sector, zone) is automatically filled in by the computer.

3. **Report Type.** The “Report Type” needs to match “Case Section”, “Code” and “Definition”. VC 12500 and VC 14601 fall under “other” crimes, not related to persons or property.

4. **Case Factors.** For RPW original crimes, at least one Case Factor should be present (the box marked “Electronic Report” is not a Case Factor). Disregard Case Factor information for follow-up, supplemental, hardcopy reports or traffic reports.

5. **To-From Times.** All crimes, possible crimes, and attempt crimes require a To-From time. If not, review the narrative to confirm the incident wasn’t a result of pro-active law enforcement or an observed crime in-progress. If yes, officers should be entering the same time for both. If not, reject the report.

Non-crime reports do not require a To-From time. Traffic accidents shall only have the reporting time on the face page of the 555 CHP Form.

6. **Alpha Types.** RPW defaults to Alpha Type (P) for person, verification of the correct Alpha Type should be made by using the corresponding drop-down menu. Please Note: i.e. City of Fresno (F), State of California (S), Business (B).

7. **Involvement Code.** Confirm the ARR (arrest), CIT (Cited), SUS (suspect) status by reviewing the narrative. Be careful as the narrative may not reflect the true status of the suspect/arrested person, especially if the narrative was dictated or assisting officers/investigators made an arrest.

   - **At-Large**  
     - SUS – Involvement Code  
     - ATLG – Susp Status  
   - **Arrested**  
     - ARR – Involvement Code  
     - ARR – Susp Status  
   - **Cited**  
     - ARR – Involvement Code  
     - CIT - Susp Status  
   - **Infractions**  
     - CIT – Involvement Code  
     - CIT – Susp Status  
   - **Detentions**  
     - DET - Involvement Code  
     - 849B – Susp Status

8. **Suspect Status.** The suspect status box should match the involvement code and shall be completed for all suspects (named or unnamed).
9. **Narrative.** If the officer doesn’t provide a complete narrative, there needs to be at least a line/word such as “Voided,” or Dictated,” “Hardcopy Only,” “5150 form only,” “Towed Vehicle,” “Warrant Arrest Only,” etc. explaining why a case or supplemental was drawn.

There are two exceptions: For **Traffic Reports**: if the narrative appears blank, go to "Additional Forms" to review the traffic collision report. On **Missing Person close-outs and/or supplements**: the narrative does not have to appear.

10. **Domestic Violence Box.** If the report is a domestic violence or an EPO, the DV box should be checked (located just above Cad Synopsis at the bottom of the Case Tab page). Domestic Violence is any crime involving a spouse/cohabitant/dating and the crime is related to a history of violence or threatened violence (e.g., restraining order violations, 245,653M, 594,262, 136, 664/187, etc.).

11. **Confidential Information.** Reporting officers are required to remove the victim’s name and address from the face page of any report mandated confidential by law or policy (Domestic Violence, Sexual Assaults, etc.). There is an address confidential box as well as separate name and address boxes for each name. Please ensure the boxes are checked.

The narrative section shall be reviewed to ensure the confidential victim’s name/address is not listed. If confidential information is included in the narrative, reject the report. If required, check additional addresses, i.e. address 2 of 2, to ensure they’re confidential.

In those rare cases when the victim is also the suspect in the same D.V. case, the name and address will not be confidential.

12. **Add Form.** The Add Form needs to be completed if the report is a DV, MP, DUI, Drug Influence, etc.

13. **Vehicle.** If a vehicle is involved, but no vehicle information is available, reject the report. Both the vehicle involvement and vehicle disposition boxes shall be completed. Note: Stolen/Recovered Veh Status and vehicle values must be completed.

14. **Date of Births:** Confirm the DOB is entered correctly (typo issues) i.e. 12/05/2007, or 5-19-2024. An incorrect DOB entry will create a new MNI number and not link the name to the correct MNI.

15. **Property Tab.** The Property Screen is mandated information required by DOJ. Property to be entered into RPW, 1) All stolen property, 2) All recovered stolen property, 3) Any property/evidence that is serialized.

*To be entered:* Anything with a serial number, searchable in the RPW database, shall be entered into RPW.

*Not to be entered:* 1) Found–not serialized, 2) Un-serialized Evidence – Entered into Primus as Booked Property.

Read the Dispo and confirm the teletype button was hit if serialized property is involved. If it appears Teletype was not notified, review the narrative. Another officer may have completed the Property Tab on their follow-up. If no follow-ups are located confirming the Property Tab was completed – reject the report.

16. **Supervisor Approval.** Before we can approve and close out the reports, the report status must be Supervisor-Approved and in the REC status. RVS personnel should not validate any other report.

NEW (0) = In Officer's box
OPN (1) = Not being used at this time.
REJ (2) = Rejected = Reject report in officer's box
SUP (3) = Supervisor = In team approval box-waiting for a sergeant.
REC (4) = Records = in RVS queue
CLS (5) = Closed = Completed with final approval

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12 Failure to follow guidelines #10 and #11 will result in a considerable amount of extra work by the reporting officer. Please review carefully and reject any D.V. report if all confidential information is not removed.
EMPLOYEE EVALUATIONS

Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex.

ANNUAL EVALUATION DUE DATES

Performance evaluations are required annually or quarterly (probationary status) for all Fresno Police Department members. Performance evaluations shall be completed by the member’s supervisor and submitted to the District Commander/Bureau Manager within 30 days of the due date. The due dates for evaluations are as follow:

- **Probationary** - All sworn and non-sworn members shall have quarterly evaluations;
- **Non-Sworn** – Non-sworn members shall have evaluations annually, due after their hire/promotion date;
- **Recruit Police Officer** – An evaluation is required at the end of the recruit status so the recruit can be promoted to police officer (probationary). This is generally a maximum of six months after date of hire. The evaluation should state if promotion is recommended;
- **Sworn** – All sworn members, except staff, shall have annual evaluations due after the ending date of the Matrix period;
- **Management** – All sworn staff (except Deputy Chiefs) shall have annual evaluations due after April 30th. Deputy Chiefs are due after December 31st. Non-sworn management personnel are due after their hire/promotion date.

EXIT EVALUATIONS

When a member changes assignment resulting in a new supervisor more than 90 days before the end of a rating period, that member’s current supervisor shall complete an exit evaluation for the partial rating period. Similarly, when a supervisor changes assignment more than 90 days before the end of a rating period, the supervisor is required to complete exit evaluations on all personnel assigned to him/her at the time of his/her reassignment. Complete annual evaluations shall be completed by the assigned supervisor for all assigned personnel when a change of assignment occurs 90 days or less from the end of the rating period. All required exit evaluations shall be completed by the member’s supervisor within 30 days of the member’s or supervisor’s change in assignment.

RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are required annually or quarterly for probationary reserve officers.

PERSONNEL BUREAU RESPONSIBILITY

Once an evaluation has been completed and issued to the member, the original shall be sent to the Personnel Bureau within five days of signing by the last approving staff member. The Personnel Bureau will maintain a personnel database which includes the date the performance evaluation was issued. The Personnel Bureau will provide District Commanders/Bureau Managers with a quarterly list of evaluation due dates for recruit officers, probationary members, and non-sworn members. The Personnel Bureau will conduct regular compliance checks to ensure evaluations are submitted by the deadlines established in this order. Should the Personnel Bureau fail to receive an evaluation by its due date, the affected District Commander/Bureau Manager will be notified.
RATER RESPONSIBILITIES
All raters shall receive initial training in performance evaluations, as provided within Departmental supervisory orientations, formalized training courses, and/or in-service training, prior to completing their first performance evaluation. Once the training is received, the rater shall:

- Review the performance evaluation with the member being evaluated. This review should include, but is not limited to, the following:
  - Results of the performance evaluation;
  - Performance expectations and rating goals and/or objectives for the next rating period; and
  - Where appropriate or requested, career counseling to include individual career plans for advancement, specialization, and training;
- The rater will provide the member being rated an opportunity to sign the performance evaluation and to make comments as part of the official record of the evaluation;
- All performance evaluations shall be reviewed and signed, at a minimum, by the rater’s immediate supervisor; and
- A completed copy shall be provided to the member after signed by the member’s supervisor.

EVALUATION FORMAT
Evaluation formats are based upon the member’s job classification. The criteria used for performance evaluations shall be specific to the assignment(s) of the member during the rating period. Copies of the proper evaluation forms may be accessed through the Department’s electronic library.

EXPLANATORY COMMENTS
The rater shall provide explanatory comments to substantiate performance ratings that are unsatisfactory or outstanding. The explanatory comments should include specific examples of observed or reported behavior of the member being rated during the period covered by the evaluation.

PRE-EVALUATION REQUIRED NOTIFICATIONS
Less than satisfactory performances by a member should be brought to the attention of that member. Where a member’s performance could result in a less than satisfactory rating on their performance evaluation, a written notice of the unsatisfactory or needs improvement performance shall be given to the member. This written notice shall describe the less than satisfactory performance and what actions should be taken to improve the member’s performance. The written notice may be in the form of a memo, Supervisor’s Observation Log, formal discipline, or other appropriate means.

Less than satisfactory performance ratings may only be included in a performance evaluation when:

- The member receiving the less than satisfactory performance rating was given written notice, as defined above, of the deficiency at least 90 days prior to the rated member’s evaluation date, or
- The less than satisfactory performance occurs less than 90 days from when an evaluation is due and would result in an unsatisfactory/needs improvement rating for the rating period. Under these circumstances, the required written notice shall be delivered to the member as soon as possible after the less than satisfactory performance is identified.

Supervisors shall be responsible for knowing the annual evaluation dates for all subordinates and for calculating the 90 day notice date for each member.

PERFORMANCE EVALUATION APPEAL PROCESS
When a member disagrees with the performance evaluation, that member may prepare and attach to the evaluation a written memorandum outlining the reason(s) for the disagreement. This attachment shall be submitted by the member to the rater within 30 calendar days of the member receiving the evaluation. This memorandum will be forwarded through the chain of command to the Division Commander for consideration.

RATER EVALUATIONS
Supervisors and management staff shall be evaluated on the objectivity, accuracy, timeliness, and overall quality of ratings for performance evaluations they prepare. This information shall be included in their performance evaluation under supervisory performance.
PEACEFUL PICKETING / DISTRIBUTION OF HANDBILLS IN PUBLIC FORUMS

Pursuant to state and federal law, peaceful picketing and distribution of handbills in a public forum is protected by the First Amendment. *In re Lane*, 71 Cal. 2d 872; *Robins v. Pruneyard Shopping Center*, 23 Ca. 3d. 899; and *N.L.R.B. v. Calkins*, 187 F.3d 1080 (9th Cir. 1999).

Reasonable time, place and manner restrictions on speech in a public forum may be imposed, however, such restrictions must be content neutral, narrowly tailored to serve an important government interest and leave open ample alternative channels for communication of the message. *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).

First Amendment activities can be prohibited in areas normally subject to congestion, such as ticket windows and turnstiles; and persons can be excluded entirely from areas where their presence would threaten personal danger or block the flow of persons or carrier traffic, such as doorways and loading areas. *Kuba v. I-A Agricultural Assn.*, 387 F. 3d 850, 861 (9th Cir. 2004); *In re Hoffman*, 67 Cal.2d 845 (1967).

Please note that although free speech areas or zones are permissible in some instances, designating a free expression zone at a public facility may be found to be unconstitutional. *Kuba v. I-A Agricultural Assn.*, 387 F. 3d 850 (9th Cir. 2004).

Questions regarding restrictions or limitations on speech or expression on public property or in a public forum should be directed to the Fresno Police Department Legal Advisor for analysis on a case by case basis.
Law Enforcement Officers Flying Armed

On November 15, 2008, the Transportation Security Administration (TSA) implemented new requirements for State and local law enforcement officers flying armed aboard commercial aircraft. The previous protocol required law enforcement officers to present an Original Letter of Authorization signed by the Chief or Sheriff of the officer’s agency, as required under 49 CFR 1544.219. This letter included specific identification and itinerary information. The new protocol will eventually eliminate this need in lieu of an authorization code received in a message from the National Law Enforcement Teletype System (NLETS).

A spokesperson for the Federal Air Marshals explained that the new system will ultimately provide for much faster verification and allow officers to board flights with no more than a few minutes delay. The message from the local agency’s teletype operator is short, but needs to be formatted exactly per the template provided by TSA (Teletype operators were provided this template as of Nov. 15, 2008). This message is sent to the TSA’s Operations Center and a response, with the authorization code, is automatically generated and sent back to the agency—there is no manual input, and therefore no delay, on the part of TSA.

Once the local teletype operator receives the authentication code from the TSA, it is provided to the officer. The officer presents this code to the TSA screening agent at the security checkpoint, and once verified is allowed to pass through the screening area and board the aircraft.

While the TSA suggests that flight arrangements for armed officers are made at least 24 hours in advance, this new system will enable officers to board aircraft with only a few minutes notice (this would specifically apply to certain task force officers, or detectives engaged in moving surveillance of criminal suspects).

Since these requirements are currently in the introductory phase, both the Original Letter of Authorization and the TSA authorization code are required. Once the program is vetted, the Letter of Authorization requirement will be dropped.

NOTE: This new procedure does not affect any previous requirements for officers flying armed aboard aircraft. Officers must be on official business, have a legitimate need to fly while armed, and have written authorization from the Chief of Police or his designee. Officers must also follow previous requirements regarding identifying themselves to the Captain, flight crew, and any other armed officers (including Federal Air Marshals). Officers must also have received the prerequisite training mandated by the TSA.

FPD officers needing to fly aboard commercial aircraft while armed should contact Teletype at 621-2541, and should be prepared to provide their written authorization which contains information regarding their itinerary— including destination, connecting airports, flight number, and name of escorted individual (if applicable). If there are questions or concerns regarding this new procedure, please contact the Terrorism Liaison Officer by phone at 621-2TLO or e-mail TLO@fresno.gov.
Any pursuit intervention technique, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. These situations can endanger you, other officers, and the suspect. This RCTB serves to update officers on the use and deployment of this device.

*Below are some guidelines for the use of Stop Sticks (taken from Stop Sticks website)*

**Safety**
- Never deploy Stop Sticks if you believe the location or circumstances of your pursuit make it unsafe to do so.

- Always move to a safe location after deploying a Stop Sticks. Only deploy Stop Sticks when you have a safe location to observe the target vehicle.

**Limit Traffic On The Roadway**
- Heavy or congested traffic increases the chance of an accident, resulting in injury or property damage. Whenever possible, limit or isolate traffic from the pursuit or location where Stop Sticks are being deployed.

**Restrict Pedestrians**
- Never deploy Stop Sticks with pedestrians in the immediate vicinity.

**Four Wheels**
- Never use Stop Sticks on vehicles with fewer than four wheels.

**Use Extreme Caution**
- When pursuits reach excessive speeds or if suspects appear to be under the influence of drugs or alcohol or similar impairments.

**For Best Performance**
- Deploy on dry, hard surfaces such as concrete or blacktop. Stop Sticks may fail to puncture the tires of a target vehicle on soft, loose materials such as dirt or gravel roads. Avoid deploying Stop Sticks on wet surfaces, gravel or loose pavement.

- Consider deploying Stop Sticks so that a suspect has limited room to maneuver around the device.

**Warn Fellow Officers**
- Always advise pursuing units when and where Stop Sticks are being deployed. Provide fellow officers with ample warning to avoid striking the device.

**Never**
- Wrap the cord around your hand or any portion of your body and
- Rush a deployment.

**Always**
- Use caution when removing Stop Sticks from the road.
Peace Officer Obligations Under B&P Code §13660
(Handicapped Assistance Buttons at Gas Stations)

Recently a California police agency was embarrassed by a lack of awareness of their responsibilities and subsequent inaction under an obscure, but important section of the Business and Professions Code. In short, a handicapped woman pressed the blue handicapped person assistance button on a gas pump, but never got assistance from the station staff. She then flagged down an officer and demanded that he take action against the station staff. The officer advised the woman that he was unaware of his obligation under the code and the service station's requirement to provide assistance. This resulted in her perception of being treated rudely. Ultimately, the officer assisted the woman in putting gas into her car, but the damage and embarrassment had already been done. To educate officers on this important section, B&P §13660 reads in part:

(a) Every person, firm, partnership, association, trustee, or corporation that operates a service station shall provide, upon request, refueling service to a disabled driver of a vehicle that displays a disabled person’s plate or placard, or a disabled veteran's plate, issued by the Department of Motor Vehicles. The price charged for the motor vehicle fuel shall be no greater than that which the station otherwise would charge the public generally to purchase motor vehicle fuel without refueling service.

(b) Any person or entity specified in subdivision (a) that operates a service station shall be exempt from this section during hours when:

(1) Only one employee is on duty.

(2) Only two employees are on duty, one of whom is assigned exclusively to the preparation of food.

(c)(1) Every person, firm, partnership, association, trustee, or corporation required to provide refueling service for persons with disabilities pursuant to this section shall post the following notice, or a notice with substantially similar language, in a manner and single location that is conspicuous to a driver seeking refueling service:

"Service to Disabled Persons"

The section goes on to state:

(e) The local law enforcement agency shall, upon the verified complaint of any person or public agency, investigate the actions of any person, firm, partnership, association, trustee, or corporation alleged to have violated this section. If the local law enforcement agency determines that there has been a denial of service in violation of this section, or a substantial or repeated failure to comply with subdivision (c), the agency shall levy the fine prescribed in subdivision (f).

In an effort to foster cooperation from a service station employee, officers should attempt to explain the requirement to provide service under this section. When violations continue after this explanation, the officer shall cite the party for an infraction and render assistance to the disabled party. Members should consult the complete text of the section prior to completing a citation. No police report is required.
Foreign Nationals / Matricula Consular

When a foreign national or unauthorized person is detained for a significant period of time, (i.e. any period that extends past the time needed to issue a subject a citation at the scene where the subject was contacted) or is arrested and that subject identifies himself/herself as a foreign national, whether he/she is in this country lawfully or unlawfully, the arresting officer shall:

1. Notify their supervisor of the situation;
2. Attempt to verify the claimant’s identity (e.g. valid Matricula Consular or Resident Alien Card);
3. Determine what country the foreign national is from (from statements or passport);
4. Contact the Duty Office to determine if the foreign national is from a country requiring mandatory notification (see Procedure 422); and
5. Include in their report all notifications made.

What is a Matricula Consular?

A Matricula Consular is a form of identification that has been in existence since 1870. On June 3, 2003, the Fresno City Council voted unanimously to accept the Matricula Consular as a valid form of identification within the City of Fresno. This policy applies to all City departments, including the Fresno Police Department. The Fresno Police Department signed an agreement with the Mexican Consulate acknowledging the acceptance of the Matricula Consular as a valid form of identification.

The Matricula Consular can be used for identification purposes similar to a California Driver’s License or California Identification Card. However, it is not a substitute for a California Drivers License and does not indicate a privilege to drive. The Matricula Consular is issued by the Mexican Consulate to Mexican Citizens who can provide proof of Mexican citizenship and current proof of residing in the United States. These cards display the person’s photograph, name, date of birth, and a serial number. Strong measures have been taken by the Consulate to minimize the fraudulent documentation of these cards.

In the past, Mexican Nationals have been unable to open bank accounts due to a lack of identification. As a result, Mexican Nationals have earned a reputation for keeping large quantities of cash on hand. Robbers, burglars and thieves have taken advantage of this fact which has led to further victimization of Mexican Nationals who were also not always willing to report these crimes. The Matricula Consular will allow Mexican Nationals to use financial institutions to store their money and provide the confidence to openly report crimes.
Immigration & Customs Enforcement (ICE) Request for Assistance

Although state and local peace officers have the authority to assist in enforcing immigration laws, it is the policy of the Fresno Police Department that officers shall not enforce violations of immigration laws/status. The enforcement of Federal Immigration Laws is the primary responsibility of the ICE.

As such, when encountering unauthorized immigrants, Department members should arrest or cite as they would any other person, consistent with Procedure 355.

When a specific request is made by ICE or any other federal agency, the Department will provide available support services, such as traffic control or keep-the-peace efforts, during the federal operation.

Members should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member should be based upon the reasonable belief that an individual is involved in criminal activity.

Department members should not request the assistance of ICE to field calls, except in the following situations:

- The requesting member requires ICE to assist in a felony investigation and approval is received from a staff officer; and
- The requesting member is assigned to the Investigations Division, Vice/Intelligence Unit or part of a multi-agency task force.

Upon being made aware of a location where suspected unauthorized aliens are residing, and no other crimes have been alleged or are occurring, Department members shall not respond nor conduct an investigation. Instead, the reporting party shall be referred to ICE.

Officers may assist ICE when a request is made to provide emergency assistance to their officers/agents (i.e., weapons are drawn, subject being detained has a history of violence, etc.). Staff approval is not needed under these circumstances.
New TASER Targeting Guidelines for the X26 and M26

In October, 2009, TASER International issued a new TASER targeting guide that will apply to both the X26 and M26 model TASER's that are currently issued by the Fresno Police Department. When a Department issued TASER is being deployed, and the TASER will be deployed to the front side of the intended subject, it should be noted that the desired point of aim has been adjusted from center mass to lower center mass. In the illustration shown below, the darkened areas represent the preferred target areas.

There are three reasons for this change:

1. By lowering the point of aim to lower center mass it will in turn decrease the chances of an unintentional head or eye shot in a dynamic situation, as is the standard for all Department issued impact munitions.
2. When possible, avoiding chest shots with the TASER X26/M26 will possibly avoid the controversy about whether TASERS do or do not affect the human heart.
3. Close-spread TASER discharges to the front of the body are more effective when at least one probe is in the major muscles of the pelvic triangle or thigh region.

Members are encouraged to review the guidelines for TASER use and documentation as listed in Fresno Police Department Procedure 309. In addition, any members who have questions in regards to the Department issued TASERS, or the new targeting guide are encouraged to contact the Training Unit.
During a review of reportable force incidents involving injuries to suspects and/or officers, it was discovered that during the last two years, at least six officers injured their hands due to striking a combative or resistant suspect in the head. These injuries resulted in each officer being absent from work for an average of 14 days and on modified duty for an additional 21 days. In addition to the injury suffered by the officer, the organization was temporarily without the services of a valued member of the Department due to this disability.

In a majority of incidents, fist strikes to the head of a suspect have limited effectiveness and present a high risk of injury to the officer using the tactic. This is largely due to the skull being a very hard surface which serves to protect vital organs, such as the brain and spinal cord, from injury. Conversely, the hand and fingers are composed of much smaller bones and a fist strike to the head presents a substantial risk of a hand and/or finger fracture to the person delivering the strike. For police officers, this can be especially dangerous should they later need to transition to their firearm.

In isolated situations, circumstances may justify the use of fist strikes to a suspect's head; however, they are discouraged due to the associated risk of injury to both the officer and suspect. All force will be evaluated in light of what was objectively reasonable to bring the individual situation under control in accordance with Department policy and both Federal and State legal standards.

Different force options should be used for a non-combative, resistant suspect versus a suspect who is combative. Effective methods of controlling a subject that are less likely to injure an officer and/or suspect should be considered when practical, including, but not limited to; wrist locks, control holds, pressure points and drive stuns with the Taser.

The term "distraction strike" should not be used to document the striking of a combative or resistant suspect. This term does not provide an adequate description of the strike, the reason it was used, or effect of its use. Officers should specifically describe the type of force used, the reason for using it, and the specific circumstances surrounding its use.

The Training Unit will continue to provide instruction that focuses on threat assessment, force against passive resistance, active resistance, combative suspects, and equating the amount of force used with the threat presented in accordance with the law and Department policy.

Reference Orders:
Policy and Procedures §§300 Use of Force and 308 Force Options
Vehicle Impounds for Violations of Vehicle Code §12500

This bulletin will serve to clarify the conditions under which the Community Care Doctrine (CCD) will apply after a vehicle has been stopped. It will also explain when a vehicle may be towed subsequent to a VC §12500 violation when there has been a previous violation of the same offense within the past six months. To assist in compliance with these requirements, related sections of Procedure 510, Vehicle Towing, are listed below as an important reminder to officers encountering unlicensed drivers as part of their duties.

Procedure 510, section B – Vehicle Impound Requirements, states in part:

“Vehicles may be impounded…

- When the driver has been cited for VC §12500, the vehicle can only be impounded if, pursuant to the Community Care Doctrine (CCD), leaving the vehicle at the scene would:
  - Jeopardize public safety;
  - Jeopardize the efficient movement of traffic; or
  - Subject the vehicle to vandalism or theft.”

Note - Members will include a notation on the VIR indicating which CCD applied. When the driver is cited for VC §12500, DO NOT impound the vehicle simply because no other licensed driver is available when the Community Care Doctrine does not apply.

This section goes on to state...

“Vehicles shall be impounded:

- When the driver has been cited for VC §12500, and DMV, citation data, or RMS records indicate the driver has been cited for the same offense within the last 6 months. This indicates "prior knowledge" and proof the offense will continue, therefore the vehicle shall be impounded pursuant to VC §22651(p)...”

Members having questions regarding the requirements listed in Procedure 500 may contact the Traffic Safety Section at 621-5050.

Reference Orders: Policy and Procedures §510 Vehicle Towing
Taser Guidelines

On December 28, 2009, a unanimous Ninth Circuit U.S. Court of Appeals restricted when and under what circumstances Electronic Control Devices (ECD) can be used. In the case of Bryan v. McPherson, Coronado Police Department, the Court ruled that in order to deploy an ECD, the objective facts must indicate that the suspect poses an immediate threat to the officer or a member of the public. Furthermore, the Court upheld the lower court’s denial of qualified immunity from civil liability for Coronado police officer Brian McPherson. In other words, the individual officer in this case may be personally liable for any assessed punitive damages.

The Court stated that ECD’s fall into the category of non-lethal force. However, non-lethal is not synonymous with non-excessive; all force, lethal and non-lethal, must be justified by the need for the specific level of force employed. The ECD instantly overrides the victim’s central nervous system, paralyzing the muscles throughout the body, rendering the targets limp and helpless. The tasered person also experiences an excruciating pain that radiates throughout the body.

In the case of Bryan v. McPherson, Officer McPherson argued that the use of the Taser was justified because he believed Bryan may have been mentally ill and thus subject to detention. The Court took exception stating, McPherson should have made greater effort to take control of the situation through less intrusive means. The Court also said that if Bryan was mentally ill, case law does not support the deployment of an intermediate level of force, under Graham v. Conner.

PROCEDURE CHANGE FOR MEMBERS OF OUR DEPARTMENT:

This case establishes standards for law enforcement officers regarding the use of ECD’s, such as the Taser. Electronic Control Devices cannot be used unless the officer is able to justify that the use is based upon an objectively reasonable belief that a subject poses an immediate threat to the officer or others. Officers should carefully and thoroughly articulate in their police reports specific factors leading them to conclude a suspect presented an immediate threat. Absent the presence of an imminent threat, the Electronic Control Device may not be used.

Effective immediately, Department members shall adhere to the Bryan v. McPherson Court ruling. Changes to existing Taser Guidelines policy and procedure are forthcoming.

REFERENCE ORDERS:

Policy & Procedure 309 – Taser Guidelines
Non-Revocable Parole

Effective January 25, 2010, the California Department of Corrections and Rehabilitation (CDCR) began screening offenders for an unsupervised version of parole consistent with Penal Code (PC) Section 3000.03, known as Non-Revocable Parole (NRP). The screening process to determine who will qualify for NRP will take approximately four months to complete. Section 48 of SB 18 (3x), states that for those offenders eligible for NRP, the CDCR "shall not return to prison, place a parole hold on pursuant to Section 3056, or report any parole violation to the Board of Parole Hearings."

Parolees eligible for NRP will be placed on unsupervised parole, wherein they will be subject to search by any law enforcement officer throughout the duration of their parole period. Given that CDCR will not have jurisdiction over these parolees, they will not be assigned to a parole agent, nor will standard conditions of parole be imposed. However, these parolees will be advised that they are still subject to search by any law enforcement agency pursuant to PC §3067.

To differentiate between parolees under parole supervision and those subject to NRP, the identifying information “NRP” has been incorporated into the Parole Law Enforcement Automated Data System (LEADS) in the "Comments" section of the California Department of Justice's Supervised Release File. Since these parolees will no longer be under the supervision of CDCR, any other information in LEADS is unverified and should not be relied upon. Parole offices will not have any more information other than what is provided in LEADS. (see attached sample Parolee Detail Record from LEADS)

CDCR believes these fundamental changes will result in a parole supervision system that measures both public safety and the success of parolees as they reintegrate into society. It allows CDCR to reserve active parole supervision for offenders who have been assessed as being high risk to reoffend, have a serious or violent commitment history, and sex offenders.

What does this mean to officers encountering parolees listed under the NRP status?
When parolees are encountered in the field and are discovered to be on NRP status, they are still subject to being searched by law enforcement at any time. Should officers discover contraband or other evidence of a crime, the parolee may be arrested under the fresh charge, but cannot be returned to custody for a parole violation for any reason.

Members having any questions regarding the NRP Program may contact the Office of Public and Employee Communications at (916) 445-4950 or reference the website at:

Attachment: Sample LEADS printout
When first logging on to Parole LEADS, user is prompted with this NRP Warning. User clicks OK to proceed to Homepage.

When accessing a Parolee Detail Record, a pop up message will appear (as shown below) notifying the user that the parolee is on Non-Revocable Parole.

After clicking “OK”, the Parolee Detail Record displays. Parole Unit/Agent indicate “NRP”
Enforcing Laws with Homeless Individuals

In 2008, a Federal judge ruled the City of Fresno could not seize or destroy property belonging to homeless individuals without due process of law. This ruling focused on the seizing and destruction of property and did not give any person the ability to violate laws. Administrative Order 6-23 Garbage Removal: Clean-up of Temporary Shelters: and Code Enforcement Abatement Procedures was created to guide City employees in addressing any property involved in such situations. Department personnel should become very familiar with this order.

With this in mind, Department members should continue to respond to calls of trespassing and other associated crimes, regardless of the suspect's residential status, according to Department policy. When a citizen's arrest is requested, officers should be guided by applicable legal requirements. When addressing the property of homeless individuals, officers should proceed cautiously, using A.O. 6-23 for direction. (A copy which is attached hereto.)

Private property: Officers should not collect property arising from trespass violations on private property unless the property is evidence of a crime. When not evidence of a crime, officers should leave such property and advise the property owner to address it as they choose. Officers should refrain from providing suggestions on how to dispose of it.

Public property: If the property is evidence of a crime, it should be handled according to Department policy. When officers encounter non-evidentiary property belonging to a homeless person and the property cannot be taken with them, officers should coordinate with the City of Fresno Sanitation Division (621-1447) to store the homeless person's property.

Officers should advise the homeless individual that their personal property collected by the City will be stored for ninety (90) days without charge, during which time said property shall be available to be reclaimed by the subject owner. After the expiration of ninety (90) days, any unclaimed property will be destroyed. The homeless individual should be directed to contact the Sanitation Division at the above referenced number if they wish to reclaim their property within the applicable ninety (90) day period.

To ensure consistency, a field supervisor should respond to any call involving the seizure or removal of property belonging to a homeless person. The City Manager's Office has assembled a citywide task force to develop a strategic plan to address blight and crime associated with temporary shelters within our city.
Purpose

The City of Fresno receives regular complaints from citizens and businesses throughout the City which relate to health and safety, and other concerns arising in and around areas in which individuals have erected temporary shelters.

By this Administrative Order, the City of Fresno sets forth its policies and procedures for cleaning up areas in which individuals have constructed temporary shelters, and expresses its intention to implement these policies in a manner which balances the needs and rights of all of its citizens, including the residents of such temporary shelters. This policy does not establish any individual right to erect temporary shelters or otherwise encroach on public or private property.

Policy

The City of Fresno shall respond to complaints and concerns arising in and around areas in which individuals have erected temporary shelters in a manner that protects the public health and safety and which complies with applicable state and federal laws.

Procedures

Procedures applicable to garbage removal, enforcement of trespass laws and the clean-up of encampments are set forth in Sections I, II and III, below. Procedures applicable to code enforcement activities are set forth in Section IV, below.

I. Garbage Removal.

A. City-Owned Property.

(1) The City of Fresno Community Sanitation Division regularly receives requests to remove trash and debris which has accumulated in or around City owned property. The Community
Sanitation Division shall continue to receive and act upon these requests for service consistent with its historical practice. However, when the Community Sanitation Division determines that a request for service involves the removal of trash or debris occurring within 200 feet of an area which contains temporary shelters, and absent exigent circumstances, such as an immediate threat to public health or safety, such trash or debris removal shall not occur until at least three (3) days after the posting and/or service of written notice in a form substantially similar to the Notice attached hereto as Exhibit A.

(2) The posting and/or service of said notice shall be performed in a manner which is reasonably calculated to provide effective notice to any residents of the adjacent temporary shelters. Where possible, the notice shall describe the area subject to garbage removal as clearly as possible (e.g., the east side of the 400 block of Olive Avenue.)

(3) As part of the removal of any trash and/or debris, the City of Fresno shall not destroy any materials of apparent value which appear to be the personal property of any individual. Personal property of apparent value may include clothing, shoes, jackets, tents, sleeping bags, bed rolls, blankets, backpacks, duffel bags, bicycles, tools, watches, jewelry, audio and video equipment, medications, toiletries, eyeglasses, purses, handbags, personal papers, equipment, photographs, books and baby strollers.

(4) Trash and debris includes property that appears to have been discarded by its owner, but the fact that property is unattended does not necessarily mean that it has been discarded. Reasonable doubt about whether property is “trash or debris” or valuable property should be resolved in favor of the conclusion that the property is valuable and has not been discarded.

B. **Private Property, Including Public Property Not Owned by the City.**

The City will not respond to requests by private property owners, or owners of public property not owned by the City, to remove junk, trash and/or debris accumulated on private property unless a clean-up effort has been approved, in advance, by the City Manager's Office. In instances in which such approval is granted, and the request for services involves the removal of trash or debris occurring within 200 feet of an area which contains temporary shelters, the City will follow the notice procedure set forth in Section I, A, above.
II. **Clean-Up(s)**

A. **Private Property, Including Public Property Not Owned by the City.**

The City of Fresno regularly receives complaints from residents and business owners regarding the existence of temporary encampments constructed by individuals that have no legal right or permission to occupy the property. These complaints include a broad range of issues, including, but not limited to, loitering, trespass, drug sales and use, prostitution, assault and the accumulation of trash and debris.

(1) In situations where the City of Fresno has received complaints regarding alleged criminal activity at temporary encampments established on private property, the Police Department will respond to and handle the situation in accordance with current policy.

(2) The City will not respond to a request by private property owner to remove junk, trash and/or debris left behind on private property unless a clean up effort has been approved, in advance, by the City Manager’s Office. In instances in which such approval is granted, the removal of trash and debris on private property shall be performed as set forth in Section III, A, below.

B. **City-Owned Property.**

(1) In situations in which the City of Fresno has received complaints regarding alleged criminal activity at temporary encampments established on City-owned property, the Police Department will respond to and handle the situation in accordance with current policy.

(2) If a clean-up involves the collection of personal property value, then the procedures set forth in Section III below will be followed. If the City desires to remove garbage in conjunction with any such action, it shall follow the procedures in Section I above.

III. **Clean-up of Encampments.**

For encampments of ten (10) or more individuals which have been in place for more than ten (10) days, the City shall seek to provide the residents of such encampments at least seven days advance notice of the need to vacate said property by posting and serving written notice in a form substantially similar to the Notice attached hereto as Exhibit B.
A. **Clean-up of Encampments on City-Owned Property.**

(1) In situations in which the City of Fresno intends to clean areas where an encampment is located on City-owned property, the City will provide written notice of the intended clean-up in a form substantially similar to the Notice attached as Exhibit C. The City of Fresno will collect and dispose of any junk, garbage and/or debris in the area and will also collect and store any unattended personal property of value (as described in Section II, B(2) above). Personal property collected by the City will be stored for ninety (90) days without charge, during which time said property shall be available to be reclaimed by the subject owner. After the expiration of ninety (90) days, any unclaimed property will be destroyed.

(2) The posting and service of said notice shall be performed in a manner which is reasonably calculated to provide effective notice to the residents of the temporary shelters, and to the extent possible, the notice shall describe the area subject to the clean-up effort as clearly as possible. The notice shall also be served by hand delivery and/or facsimile on the organizations that assist residents of temporary shelters including, but not limited to: The Fresno Rescue Mission, The Poverello House, St. Benedict Catholic Workers, Central California Legal Services and the Community Alliance Newspaper.

B. **Clean-up of Encampments on Private Property, Including Public Property Not Owned by the City.**

Request by property owners to enforce trespass laws may be reported to the Police Department or the City Manager’s Office. The Police Department will respond to and handle the situation in accordance with current policy. However, the City will not respond to a request by a private property owner to clean-up encampments located on private property unless the clean-up request has been approved, in advance, by the City Manager’s Office. In instances in which such approval is granted, clean-up of encampments on private property shall be performed as set forth in Section III, A, above.

IV. **Code Enforcement.**

A. It is anticipated that the City of Fresno will, from time to time, pursue code enforcement activities concerning the abatement of a public nuisance which includes temporary encampments constructed by individuals. These activities may include, but are not limited to, weed abatement, the
collection and disposal of junk, garbage and/or debris, as well as the collection and disposal of personal property in and around the area of encampments.

B. In situations where code enforcement activities to abate a public nuisance involve the collection of personal property of value (as described in Section II, B(2) above) which reasonably appears to belong to an individual, the City will provide at least a three to seven day written notice of the intended clean-up in a form substantially similar to the Notice attached hereto as Exhibit D, and which, to the extent possible, shall describe the areas subject to the code enforcement activities as clearly as possible.

C. At the time the City abates the subject nuisance, it will collect and dispose of any junk, garbage and/or debris in the area and will also collect and store any unattended personal property which reasonably appears to belong to an individual. Personal property collected by the City as part of an abatement effort will be stored for ninety (90) days without charge, during which time it shall be available to be reclaimed by the subject owner. After the expiration of ninety (90) days, any unclaimed property will be destroyed.
NOTICE OF GARBAGE REMOVAL

PLEASE TAKE NOTICE:

That on [____ insert date ______] at [__ insert time ___], the City of Fresno will remove and destroy garbage that has accumulated in the area of [__________ insert address __________].

The City will not remove or destroy the personal property of any individuals. However, to avoid any confusion, please move any personal property you may have away from any garbage piles located in this area. If you have any concerns or comments, please contact [____ person and title_____] at [________ address and phone number ________].

EXHIBIT A
NOTICE OF TRESPASS

PLEASE TAKE NOTICE:

The City of Fresno has received complaints concerning individuals who are loitering near or residing in temporary shelters that have been constructed in the vicinity of [insert address]. Any individual loitering or residing in this area may be trespassing, and must immediately move off this site and remove any personal property they own.

On [insert date], at [insert time], the City of Fresno will seek the voluntary cooperation of any individuals who remain on site to relocate, and will enforce trespass laws against any individual who fails or refuses to move off this site.

If you have any questions or comments, please contact [person and title] at [address and phone number].

EXHIBIT B
NOTICE OF TRESPASS AND CLEAN-UP

PLEASE TAKE NOTICE:

The City of Fresno has received complaints concerning individuals who are loitering near or residing in temporary shelters that have been constructed in the vicinity of [insert address]. Any individuals loitering or residing in this area may be trespassing, and will need to immediately move off this site and remove any personal property they own.

On [insert date], at [insert time], the City of Fresno will conduct a clean-up of the area, including the removal of all individuals, personal property, temporary shelters, junk and/or garbage from this area. Individuals wishing to reclaim personal property collected by the City as part of the clean-up project may do so by contacting [person and title] at [address and phone number] for a period of ninety (90) days following [date of clean-up].

Personal property collected by the City shall be stored, without charge, for ninety (90) days. After ninety (90) days, any unclaimed property will be thrown away.

EXHIBIT C
If you have any questions or comments, please contact [____person and title_____] at [_________ address and phone number_______].
NOTICE OF CODE ENFORCEMENT AND CLEAN-UP

PLEASE TAKE NOTICE:

The City of Fresno will be enforcing the Fresno Municipal Code which requires the removal of accumulated junk, property and/or garbage in the vicinity of [_________ insert address __________], including any temporary shelters. Any individuals who are residing or storing property in this area are in violation of the Fresno Municipal Code and will need to immediately move off this site and remove any personal property they own.

On [________ insert date ________], at [________ insert time ________], the City of Fresno will conduct a clean-up of the area, including the removal of all individuals, personal property, temporary shelters, junk and/or garbage from this area. Individuals wishing to reclaim personal property collected by the City as part of the clean-up project may do so by contacting [________ person and title _________] at [________ address and phone number ] for a period of ninety (90) days following [________ date of clean-up ________].

Personal property collected by the City shall be stored, without charge, for

EXHIBIT D
ninety days. After ninety (90) days, any unclaimed property will be thrown away.

If you have any questions or comments, please contact [_____person and title_____] at [______address and phone number______].
Child Custody Orders Involving Teenagers

From time to time, officers are dispatched to calls for service (CFS) to assist a parent wishing to enforce a child custody/visitation order involving their teenage child that refuses to go with them. These CFS may involve violations of PC §166(a)(4), however all of the surrounding circumstances need to be considered prior to making this determination.

**Issue:**
Does a parent have the ability to control a teenager and make them visit the other parent pursuant to court ordered custody and visitation?

**Case Law:**

This case states that the lower court erred in a finding of contempt (either PC §166(a)(4) or Civil Contempt) because no evidence was presented to the court showing the mother had the ability to comply with the visitation order by compelling the 14 year old to visit with her father against her wishes. Therefore, the appeals court overturned the contempt conviction.

The court stated in the conclusion: "The import of the [case] holdings is that resolution of whether a child is under the control of a parent is a factual question to be determined by the trial court."

**What this means for Police Officers:**
Officers should attempt to determine if the parent who is not forcing the custody/visitation exchange has the ability to control or unduly influence the child age 13 or older. Any facts and direct statements presented by the teenager, supporting their refusal to go with the other parent, should be documented. If he/she still refuses to go with the other parent even after speaking with law enforcement, do not use any force or take enforcement action against the teenager regarding the custody/visitation order. The parent requesting enforcement should be directed to return to family court to resolve the issues.

**Key points to remember during these CFS include:**

- Always act in the best interest of the child;
- Use discretion after reviewing the facts as to enforcing the court order involving a teenager, or not;
- Do not use physical force to enforce the custody order;
- Notify your supervisor of the incident;
- Only the adult parties named on the custody order can be subject to arrest for PC§166(a)(4). A child cannot violate a custody order and is not subject to arrest;
- Take appropriate action if information arises regarding possible child abuse; and
- Document the facts in a General Incident report.

Any questions regarding this process may be directed to the Child Abuse Unit at 621-2470.

**References:**
Policy & Procedure 330 – Child Abuse Reporting
Policy & Procedure 357 – Civil Problems/Court Orders
Report Dictation and Transcription Guidelines

The Police Department has created new strategies to address report dictation and transcription challenges. These strategies include splitting transcription services in-house (Police Data Transcribers) and outsourcing the work (NetTranscripts LLC.) to maximize efficiency.

While reviewing current practices, consistent challenges have been noted that affect timely report transcription.

- Reports are frequently dictated when the narrative does not meet the dictation the guidelines of Procedure 34;
- Some 45 minute dictations have resulted in less than 4 typed pages, indicating a failure to create an effective predication outline. The average dictation time should take no more than 5 minutes per page of transcription; and
- Due to limited transcription personnel, there are no guarantees that a timely turn-around for dictated narratives can be accomplished. As such, the recommendation is to dictate only when absolutely necessary.

To achieve timely transcription, members should use the following new prioritization guidelines for the Fusion Dictation System:

- **Priority 1 – Felony (In-Custody):** Will be typed in-house unless PLO Office shows that subject has bailed out, or has been OR’d without any other holds (3056) pending. If the subject is no longer in-custody, the dictation will be outsourced for a 3-day turn-around.
- **Priority 2 – Felony (Out of Custody):** Will be outsourced for a 3-day turnaround, but can be pulled back at any time should an arrest be made and the subject is on the Past-Time-To-File (PTTF) list.
- **Priority 3 - Domestic Violence:** These cases have a higher likelihood of in-custody filing and immediate arrests. As such, these will be typed in-house. These would include 273.5, 242, 245, and any other domestic related case.
- **Priority 4 - Misdemeanor (In-Custody):** Will be handled in-house when listed on the PTTF list. If not on the list, Records will coordinate with PLO to verify the priority.
- **Priority 5 - Misdemeanor (Out of Custody/Cited):** Will be outsourced for a 3-day turnaround.
- **Priority 6 - All Others:** Will be outsourced for a 3-day turnaround.

Reports will be transcribed exactly as dictated. No editorializing of reports will take place to correct the dictated structure. This is to expedite the turn-around process for review and approval by the dictating member.

**NOTE** – When a case without anyone in-custody is dictated and an arrest is made before the report is transcribed, the arresting officer should alert a Records Supervisor at 621-2520. The Supervisor will re-direct that report for in-house transcription.

**Dictation Points to Remember**

The following procedures should be followed when dictating reports to help standardize the format for headings, subheadings, paragraphs, et cetera.

- Use an outline to guide your dictation.
- Reduce background noise before starting dictation.
- Please speak clearly and loudly. Do not slur words together or fade off during dictation. Keep sentences short and concise to avoid run-on sentences.
- The dialup number for report dictation continues to be: 498-2677
• When calling the report in, prioritize the dictation as listed above. This prevents outsourcing narratives that need to be handled in-house.

• Identify yourself at the beginning of dictation by name AND badge number. This is helpful to associate the correct officer to the correct report in RPW.

• State the case number you are dictating. Sometimes the incorrect case number is keyed into the Fusion system.

• When dictating a supplemental report, please state the supplement number of that report (i.e. Supplement Number – 2 or Supplement Number – 4 etc.) or state if it is the Original Report. Narratives cannot be pasted into RPW if a supplemental report to the case has not been pulled.

• Remember to check the “Report Dictated” box, and complete the information for that report.

• When a dictation will not be transcribed into RPW, please indicate the type of report (i.e., Original Report, Sobriety Report, Traffic Report), and that you will submit a hard copy face page to Records.

• When spelling names, streets, or words, spell phonetically as this clarifies correct spelling and distinguishes sound-alike letters (S, F, T, B, C, D, E, V). In most cases, common English spelling interpretation will be used by the transcribers.

• If you desire a new paragraph; then state, “INSERT NEW PARAGRAPH” where needed.

• Titles used in RPW (Suspect, Victim, Involved Party-1, Involved Party-2, Reporting Party, et cetera) will be spelled out and not abbreviated.

• Members should not read or quote the following information in its entirety into the narrative:
  • A dispatched call (in its entirety);
  • The Miranda warning (in its entirety); or
  • Other various admonitions verbatim.

• Once transcribed and returned via RPW, the dictating member will need to review the transcribed narrative to verify content, grammar, and spelling of names and make any needed corrections.

If members have any questions or are experiencing problems with the Fusion Dictation System, they should call the on-duty Records supervisor for assistance at 621-2520.
Use of Seatbelt Extenders

Vehicle manufacturers provide seatbelt extenders for use by occupants of large girth, which assist in proper and safe seatbelt practices. Law enforcement personnel across the country have taken to the practice of utilizing seatbelt extender’s for ease of buckling and allow for quick exit from the police vehicle. Proper positioning of the seatbelt absorbs energy during an impact by stretching, thus reducing the speed differential between the passenger’s body and their vehicle’s interior. It also works to distribute the load of the impact across a passenger’s body, while maximizing its efficiency as it was designed.

A recent article was distributed by the Ohio State Highway Patrol (OSHP) regarding the death of a State Trooper involved in a rollover collision. OSHP indicates the Trooper (driver) was wearing a seat belt extender in his Ford Crown Victoria at the time of the collision. The opinion of the investigating officer was that the use of seat belt extender contributed to the injuries/death to the Trooper by misaligning the proper position of the seatbelt.

Although sometimes cumbersome, buckling the three point safety harness (seatbelt) can be accomplished while wearing a ballistic vest and gun belt, despite the radio console positioning so close to the seatbelt latch. The seatbelt extender makes for an easier belting maneuver; however, care should be taken to ensure the proper placement of the seatbelt, as the extender may realign the position of the shoulder harness portion of the belt. When using a seatbelt extender, the shoulder harness portion of the seatbelt should not be resting on the outer arm or deltoid area of the occupant’s body.

For a proper fit, the shoulder harness should be positioned across the center of the chest between the neck and edge of the shoulder, and the lap belt portion should be adjusted across the hips below the stomach. Adjusting the “D” ring at the vehicle’s door post (B pillar) may assist in the proper positioning of the belt. In addition to proper belt placement, occupants should also ensure all buckles are securely latched (“clicked”) in place to prevent a buckle failure in the event of a sudden deceleration.

The vehicle’s air bag system is a Supplemental Restraint System (SRS) and not intended to be the only safety device used. The air bag deploys at a speed of 200 mph (one-twenty-fifth of a second), which just another example why the vehicle’s safety belt should be worn. Member’s who are unable to obtain proper shoulder harness/lap belt placement while utilizing a seatbelt extender should consider discontinuing its use, and instead, buckling up without it. Wearing the vehicle’s safety harness reduces injury.

Stay buckled, stay safe!
THE BRADY DECISION AND CONFIDENTIAL INFORMANTS

Informants can provide valuable information; however, when handled inappropriately, they can create significant problems for Department investigations. The Fresno County District Attorney’s (DA’s) office requests that any member who utilizes confidential informants be familiar with the Brady v. Maryland decision. In Brady, the prosecution withheld certain exculpatory evidence from the criminal defense. The defense challenged the conviction of the defendant, arguing that withholding information was a violation of the Due Process Clause of the Fourteenth Amendment.

The defense’s challenge was upheld by the Supreme Court. Therefore, it’s imperative all members are aware of the impact Brady has on investigations. Members with any questions or concerns should contact the Department’s legal advisor.

District Attorney’s Duty to Release Information: The Fresno County District Attorney is required to disclose evidence favorable to a defendant which may be exculpatory (likely to prove innocence) or impeaching (officer misconduct) and is material to either guilt or punishment. Evidence "favorable" to the defendant is that evidence which helps the defendant or hurts the prosecution.

The Supreme Court urged prosecutors to err on the side of disclosure. Therefore, members shall ensure the DA is notified of specific issues regarding persons who may be subject to testify (including witnessing officers). Relevant information may include: Previous false reports by a prosecution witness; pending criminal charges against a witness; parole or probation status of the witness; evidence that a witness has a reputation for untruthfulness; offers or inducements to the witnesses including a grant of immunity; or if the informant worked for cash or to receive a lenient sentence on their own case.

Brady Disclosure Process: Members who become aware of a Brady related issue shall attach a sealed and taped Interdepartmental envelope containing the relevant information to the complaint package. The Prosecution Liaison Office (PLO) shall be directed to file the envelope with the complaint package. The DA will review the envelope’s contents and will decide if the information is releasable to the defense. When the information is related to a confidential informant (CI), the DA wants the following: Name (ensure this is correct and not an alias); date of birth; copy of CII (not just the #); amount of money paid to the CI for the information (copy of the vouchers are fine); amount of all money paid to the CI; and (if one exists) a copy of the CI contract.

In most cases, the information provided will not be released. Attempting to find a “shortcut”, withhold information from the DA, or do a “work around” or “end-run” can prove detrimental to the successful prosecution of a case.

DO NOT WITHHOLD ANY INFORMATION FROM THE DISTRICT ATTORNEY

This includes information related to CI’s, intermediaries, etc. When in doubt, simply insert the information in a sealed/taped interdepartmental envelope and send it to the filing deputy or prosecuting DA.

Pending Cases/“Holding Paper”: All pending cases against a CI will be filed for prosecution. There are a myriad of legal reasons why certain CI’s cannot be signed to a contract. Do not arrest a potential CI and promise to “hold the paper” (i.e. not file their case if they agree to assist in the apprehension of another suspect). File the case and allow the DA to determine if a contract should be signed.

Hot Rolls: Generally, “hot rolls” (urgency to sign a CI prior to their case being reviewed by the DA) will not be allowed. This situation usually occurs when a CI is arrested and immediately indicates they can give up significant information or a
major drug distributor. This type of arrangement is typically problematic, and the usefulness of the information provided by the CI usually does not outweigh the need to handle the CI within set guidelines.

Wall Stops: A wall stop is when a police officer (usually a marked unit) makes a traffic stop for a minor traffic violation on a suspected drug dealer or courier, based on information received from another source (narcotics officer, CI, etc.). During the stop, drugs are located in the vehicle. A report is written detailing how the officer observed the traffic violation, made the stop, and “discovered” the drugs. The DA wants an Interdepartmental envelope providing the true circumstance leading to the stop (including a copy of the CI’s file).

Hobb’s Warrant (Affidavit to a Search or Arrest Warrant): A judge may seal an affidavit if the officer testifies the informant’s life is in danger. The defense has a difficult burden to prove the affidavit should be unsealed. If the case proceeds to jury trial, the defense will move to unseal the Hobbs affidavit, disclose the CI, and quash or traverse the search warrant. As a result, a CI’s identity may be disclosed at some point before trial. When concealing a CI’s identity in a Hobbs warrant, you must also send the CI’s information to the DA via sealed Interdepartmental envelope.

Hobb’s affidavits should only be used if there is clear and convincing evidence the declarant’s life is in danger and should not be used to avoid revealing a CI’s identity.

Search Warrant Resulting in New Charges: Information obtained from a CI is used in a search warrant. When the search warrant is served, evidence located in the residence/business results in new charges filed against the suspect. The detective submits a new case and keeps the CI’s identity/involvement hidden.

Due to the Brady decision, evidence located in a search warrant will be included in the original case. A new case will not be filed. While the DA may narrowly focus on the evidence generated solely by the fruits of the search warrant, the identity of all CIs (who generated the probable cause for the search warrant) shall be delivered to the DA via Interdepartmental envelope.

CI Searches: When making a drug purchase, CI’s shall be searched twice (once before and once after the purchase). This information shall be included in the report.

Recordings: When the CI’s conversations with the suspects are monitored and/or recorded electronically, the information shall be included in the report.

Informant Testimony: Use of a CI who refuses to testify is unethical. The DA will not accept any CI (contract or cash) unless they are willing to testify. Therefore, it’s important you never tell a CI that they will not have to testify.

Important Note:
Using Crime Stoppers in Lieu of the Confidential Informant Process

Some law enforcement officers are reportedly using Crime Stoppers as a “shortcut” to the CI process by directing CIs to use the Crime Stoppers line to report tips. This causes significant problems for the DA who may have to disclose CI information (via Brady) to the defense. To prevent the potential loss of anonymity which is key to the success of the Crime Stoppers Program, members should not attempt to bypass the confidential informant process.
As part of the Department’s ongoing dedication to professionalism, it’s important that members re-familiarize themselves biennially with their Code of Ethics. Listed below are the Code of Ethics for civilian and sworn members.

**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.
**Fresno Municipal Code (FMC) §2501 - Prohibition of Loitering on Median without a Permit**

In an effort to address the safety of persons loitering on median islands and the secondary effects of disruption, delay, and congestion of traffic, the Fresno City Council approved FMC §14-2501. FMC §14-2501 states, “It shall be unlawful for any person to loiter on a median island without a City issued permit.” FMC §14-2522(a) lists violations of this section as a misdemeanor, and it took effect on April 17th, 2010.

The Fresno Police Department’s Traffic Section conducted a six month pilot enforcement program for violations of FMC §14-2501. This pilot program will end on October 17th, 2010. Effective October 18th, 2010, all Fresno police officers are encouraged to enforce violations of this section.

**Median defined:** FMC §14-2520(a) defines a median as “a paved or planted area separating a street, or highway, into two or more lanes or directions of travel”.

**Loitering defined:** FMC §14-2520(c), defines loitering as “standing or lingering in a median island without a permit, or exception as provided in FMC §14-2519, other than to safely and lawfully cross the street.”

**Enforcement:** A crime report for this offense is required. Officers shall document in their report the amount of time the violator was observed standing on the median, the number of times the traffic signal allowed the violator to cross the intersection legally, and the fact that the violator did not possess a city issued permit to stand on the median.

Officers who contact persons for violation of this section shall, for safety concerns, have the violator move off the median to the nearest sidewalk before issuing a citation.

If the violator does not have identification, the officer should use RMS, CLETS or a Blue Check fingerprint reader in an attempt to establish the identity of the violator. In the event the officer is unable to confirm the identification of the violator, the officer will accept the name given by the violator and obtain a fingerprint on the back side of the citation.

If the violator refuses to leave the median or sign the citation, a supervisor shall respond to the scene before further action is taken.

Due to the potential for a high profile incident, the supervisor on scene will make every attempt to have the violator voluntarily leave the median and sign the citation without incident.

If the supervisor has a non-compliant or violent violator who refuses to leave the median island, and the supervisor determines that the violator should be arrested, sufficient units should be called to overcome any potential resistance. An arrest should only be made after there are sufficient officers available to minimize injury to officers or the violator. It is recommended that for the safety of the violator, and officers, the intersection or sufficient lanes of traffic should be closed to traffic prior to the arrest being made.

A copy of FMC §14-2501 and related sections is attached to this RCTB for reference.
SEC. 14-2501. PROHIBITION OF LOITERING ON MEDIAN WITHOUT A PERMIT.
It shall be unlawful for any person to loiter on a median island without a City issued permit.

SEC. 14-2504. TYPES OF PERMITS.
There shall be two types of permits:
(a) Specific Median Island Permit - A permit that would allow a permittee to occupy a specific, City approved median island.
(b) Multiple Median Island Permit - A permit that would allow a permittee to occupy any City approved median island.

SEC. 14-2507. SAFETY WEAR.
All permittees shall wear orange colored safety clothing. Such clothing shall include, but not be limited to, orange colored or reflective vests and/or shirts.

SEC. 14-2508. AGE OF PERMITTEE.
(a) All permit applicants shall be no younger than 18 years of age. The City shall require proof of age by the permit applicant providing a valid birth certificate, valid California Drivers License or other California State Issued Identification Card containing the permit applicant’s birth date.
(b) In the case of a Multiple Median Island permittee, persons no younger than 16 years of age may request and be permitted to act in the approved median islands if they have been given instruction in safety procedures by the permittee and are directly monitored by the adult permittee or authorized representative. For organizational permittees, all persons to be covered under the permit shall be listed in the application, with proof of age provided by the organization for each person.

SEC. 14-2509. POSSESSION OF PERMIT.
All specific median island permittees shall be required to carry and display the permit while on the median island. Any such person must show the permit to any City employee upon request.

SEC. 14-2510. SIGNS OR OTHER OBJECTS PROHIBITED.
No permittee shall be allowed to bring any signs, materials or other objects on the median island that will obstruct any signal light or extend into a traffic lane or obscure any traffic sign on the median. No animal shall be allowed on the median island, other than a service animal. No person, sign, material, animal or other object on the median island shall obstruct any signal light or extend into a traffic lane or other traffic sign.

SEC. 14-2511. STEPPING OFF MEDIAN.
No person shall step off the median island to exchange any object with a vehicle occupant.

SEC. 14-2512. VEHICLES.
No person shall exchange any object with an occupant of a moving vehicle.

SEC. 14-2513. CLEAN UP OF MEDIAN.
All permittees shall be required to clean up and remove all litter, junk or any other material before they leave the median island. Any person or organization violating this section shall be required to reimburse the City for any costs related to the clean up and removal of any items left on the median.

SEC. 14-2517. PERMIT TIME PERIOD.
A permit issued under this section shall only be valid from sunrise to sunset of the date listed on the Permit. The Permit is revocable due to unsafe conditions, such as poor visibility, including weather, fog or as determined by a Fresno Police Officer.

SEC. 14-2518. TRANSFERABILITY.
Permits issued under this section shall be non-transferable.

SEC. 14-2519. EXCEPTIONS.
(a) This Article shall not apply to freeway oriented solicitation prohibited by California Vehicle Code section 22520.5.
(b) The permit procedure for charitable solicitations by public safety personnel shall be as set forth in California Business and Professions Code section 17510.25.
(c) This Article shall not apply to those persons occupying a median while conducting activities related to maintenance, surveying, construction, landscape maintenance, landscape improvements, responding to an emergency, or as otherwise permitted by law.
Human Trafficking

Human trafficking, reported to be one of the fastest growing criminal industries in the world, is a modern-day form of slavery in which human beings are illegally traded for the purposes of sexual exploitation or forced labor. These human rights violations occur throughout the world and are widespread throughout the United States today. Victims are forced through various methods into prostitution, pornography, exotic dancing, domestic servitude, restaurant work, sweatshop work, or migrant agricultural work.

Victims of trafficking live a life of fear and their basic human rights are controlled by their trafficker. The person may be traumatized and not be able to speak openly about their experience for fear of future abuse. Officers who come into contact with possible victims should take a closer look beneath the surface to determine if human trafficking is occurring. These indicators can provide officers with reasonable suspicion to ask additional questions about what is taking place.

Possible Indicators of Human Trafficking

- Live at or near work place;
- Employer holding worker's passport or identification documents;
- Restricted/controlled communication or movement in public;
- The person is accompanied by another person who seems controlling (possibly the trafficker);
- Lives in self-contained "camps"; and/or
- Someone else is collecting the person’s pay or holding their money for “safe keeping”.

Procedures

When a possible human trafficking location is encountered, officers should quickly contain the scene and treat it as any other major crime scene. This includes, but is not limited to:

- Separating possible suspects from victims;
- Requesting EMS for those requiring medical treatment;
- Making appropriate notifications to VICE or other investigative unit for associated crimes; and
- Requesting an interpreter if a bilingual officer is not available. At no time should possible suspects be used as interpreters.
When able to ask questions of a person you think has been trafficked, you should consider asking:

- Are you in possession of your identification and travel documents; if not, who has control of your documents?
- Were you coached on what to say to law enforcement and immigration officials?
- Were you recruited for one type of work but forced to perform some other type of work?
- Is your salary being garnished to pay off a debt?
- Were you forced to perform sexual acts?
- Do you have freedom of movement?
- Have you or your family been threatened with harm?
- Have you been threatened with deportation or other arrest?
- Have you been harmed or deprived of food, water, sleep, medical care, or other necessities?
- Are you able to contact your friends or family?
- Are you allowed to socialize or attend religious services?

Answers to these questions, an officer’s observations, and the totality of the circumstances surrounding the encounter with possible trafficking victims should provide the officer/investigator with sufficient information to proceed further if warranted.

**Related Laws**

**California P.C. Sections:**

- **236.1(a):** (Felony) occurs when any person deprives or violates the personal liberty of another with the intent to effect or maintain felony violation of PC Sections:
  - 266: Lure or entice unmarried female under 18 into prostitution,
  - 266h: Pimping,
  - 266i: Pandering,
  - 267: Taking person under 18 from parents or guardian, without consent, for Prostitution,
  - 311.4: Employ minor to do or assist in acts related to "obscene matter"
  - 518: Extortion to obtain forced labor or services,
  - 518: Extortion-or to obtain forced labor or services.
- **236.1(d):** Personal liberty defined: Substantial and sustained restriction of another's liberty through fraud, deceit, coercion, violence, duress, menace or threat of injury to victim or another reasonably believed likely to be carried out.
- **236.1(d):** Duress defined: knowingly destroying, concealing, removing, confiscating, possessing, any actual or purported passport or immigration document of the victim.
- **236.1(e):** Forced labor or services performed: performed or provided by a person and obtained or maintained through force, fraud, coercion, or equivalent conduct that would reasonably overbear the will of the person.
Roll Call Training Bulletin

Bulletin #11-05 July 22, 2011 JERRY DYER
Chief of Police

Removal of Recreational Vehicle Tenants from a Mobile Home Park

From time to time, landlord/tenant disputes may arise at mobile home parks (MHP) within the City where the owner/agent of the MHP seeks to effect an eviction of a tenant that occupies a recreational vehicle (RV) on the premises. This process is addressed under California Civil Code Sections 799.55 thru 799.59.

In summary, once proper written notice has been served, officers have the right to remove the occupants of an RV so that the owner of the MHP can have the wrongfully parked vehicle towed from the premises. When the occupants of the RV refuse to comply with the lawful orders of the officer, the subject(s) could be then be arrested for a violation of PC §148. The City Attorney’s Office has reviewed this process and concluded that enforcement of these sections would be appropriate. Prior to enforcement of these sections, officers should review the related Civil Code sections listed below:

799.55 Except as provided in subdivision (b) of Section 1866, as a prerequisite to the right of management to have a defaulting occupant's recreational vehicle removed from the lot which is the subject of the registration agreement between the park and the occupant pursuant to Section 799.57, the management shall serve a 72-hour written notice as prescribed in Section 799.56. A defaulting occupant may correct his or her payment deficiency within the 72-hour period during normal business hours.

799.56 (a) The 72-hour written notice shall be served by delivering a copy to the defaulting occupant personally or to a person of suitable age and discretion who is occupying the recreational vehicle located on the lot. In the latter event, a copy of the notice shall also be affixed in a conspicuous place on the recreational vehicle and shall be sent through the mail addressed to the occupant at the place where the property is located and, if available, any other address which the occupant has provided to management in the registration agreement. Delivery of the 72-hour notice to a defaulting occupant who is incapable of removing the occupant's recreational vehicle from the park because of a physical incapacity shall not be sufficient to satisfy the requirements of this section.

(b) In the event that the defaulting occupant is incapable of removing the occupant's recreational vehicle from the park because of a physical incapacity or because the recreational vehicle is not motorized and cannot be moved by the occupant's vehicle, the default shall be cured within 72 hours, but the date to quit shall be no less than seven days after service of the notice.

(c) The management shall also serve a copy of the notice to the city police if the park is located in a city, or, if the park is located in an unincorporated area, to the county sheriff.

799.57 The written 72-hour notice shall state that if the defaulting occupant does not remove the recreational vehicle from the premises of the park within 72 hours after receipt of the notice, the management has authority pursuant to Section 799.58 to have the recreational vehicle removed from the lot to the nearest secured storage facility.

799.58 Subsequent to serving a copy of the notice specified in this article to the city police or county sheriff, whichever is appropriate, and after the expiration of 72 hours following service of the notice on the defaulting occupant, the police or sheriff, shall remove or cause to be removed any person in the recreational vehicle. The management may then remove or cause the removal of a defaulting occupant's recreational vehicle parked on the premises of the park to the nearest secured storage facility. The notice shall be void seven days after the date of service of the notice.
Shooting at Moving Vehicles

Across the nation, law enforcement officers are experiencing an increasing number of personal attacks. Occasionally, these assaults come in the form of a suspect using a vehicle as a weapon. Whether a suspect presents the assault in the form of driving in the direction of an officer in an attempt to escape apprehension or intentionally tries to run over an officer, safety must always remain the priority. Studies have shown that the majority of officer vs. vehicle shootings were preceded by officers attempting to exert their authority by using their bodies to block the path of a suspect vehicle. This tactic has many disadvantages. First of all, it affords the officer no cover. Secondly, it places the officer in a position where the driver's attempt to escape may be perceived as an attack, prompting the officer to shoot.

Regardless of how an officer ends up in the path of a moving vehicle, the time available to devise a response becomes very limited. Taking the time to execute a proper draw, getting into a shooting position and obtaining proper sight alignment, may not be the best choice due to the absence of time. On the other hand, moving quickly at a right angle to a position of cover may be a preferred option.

In situations where an officer chooses to shoot at the driver of an oncoming vehicle, these factors should be considered:

- An incapacitated driver, may lead to an out-of-control vehicle driving into the path of innocent citizens and/or police personnel;
- Unintended persons within the vehicle, such as unobserved children, may be hit by gunfire;
- Rounds fired at moving vehicles have a lesser degree of accuracy, creating situations where nearby vehicles, residences and persons may be struck.
- Due to material used in vehicles, the potential for ricochet is high, leading to unintended targets.

Imminent Threat

In any situation, officers may only use deadly force when they are protecting themselves or others from an imminent threat of death or serious bodily injury. Procedure 304 provides guidance in this area. It reads, in part:

"An officer may resort to the use of a firearm when it is the level of force that is objectively reasonable and appears to be necessary…. An officer may use deadly force: To protect himself/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury."

Simply put, in order to shoot at a moving vehicle, the officer must believe the vehicle and/or its occupants to be imminently dangerous. At the point the vehicle and/or its occupants no longer presents an imminent threat; shooting at the vehicle and its occupants is no longer authorized by Department policy.

Officers should also be mindful of Policy 304, which states, in part:

"Shooting at or from moving vehicles is rarely effective and can be hazardous to both innocent persons and officers. In isolated situations, circumstances may justify shooting at or from a moving vehicle. Department members should avoid maneuvering into the path of a moving vehicle and should move out of the path of a moving vehicle rather than attempt to fire at the vehicle or its occupants."

The Training Bureau is in the process of covering this important topic in upcoming Perishable Skills Update classes involving use of force.

REFERENCES: Policy 304 – Shooting Policy
The majority of the cases reviewed involve gang members charged with firearms and/or ammunition violations. However, other types of cases (e.g., possession of drugs, human trafficking, carjacking, domestic violence-related incidents involving a firearm, etc.), can also be reviewed depending upon the circumstances of the case.

Enhanced Prosecution of Gang Members

Whether a case will be prosecuted locally or federally.

Federal prosecution of FPD cases has numerous benefits, including:

- The suspect will typically be held until case is resolved, preventing the suspect from committing fresh crimes;
- The potential for lengthier sentences;
- Incarceration out of state, where gang associates and friends cannot easily visit; and
- The suspect must serve at least 85% of sentence.

To be considered for federal prosecution, suspects must have at least one previous conviction for a violent felony, felony domestic violence, serious sex crime, possession of drugs for sale, and/or sales of drugs. Juvenile convictions can be considered in limited cases, however, the conviction must be for a serious violent felony.

While reviewing cases involving firearms and/or ammunition violations for potential federal prosecution, the following areas of concern have been identified:

1. Failure to Notify the ATF of Pre-planned Operations Involving Firearms - Units conducting pre-planned operations to buy/seize firearms, and who also intend to submit for federal prosecution, should contact the ATF prior to conducting operations to ensure all the elements needed for federal prosecution are met. Cases have been declined for federal prosecution for failure to notify ATF prior to a pre-planned firearm operation.

2. Failure to Establish Knowledge of Altered/Removed Serial Numbers from Firearms - In cases where serial numbers on a firearm have been removed/altered, personnel should attempt to establish if the suspect removed/altered the serial numbers or had specific knowledge of the removed/altered serial numbers.

3. Seizure of Ammunition from Multiple Sources - When ammunition in a case has been seized from different sources (e.g., ammo from a firearm and ammunition from the suspect's pocket), it should be kept separate and booked into separate packaging/envelopes.

4. Lack of Details Surrounding the Seizure of Firearms/Ammunition - When a firearm and/or ammunition are recovered during a search of a residence/business, (e.g., search warrant, parole search, etc.) personnel should go into detail in their report regarding where the firearm/ammunition was found and who had access to the space where it was found. An example would be a sawed-off shotgun found in a bedroom during a parole/probation search. Where exactly was the shotgun found? If found in a locked room/closet, who has the key to that area?
Constructive Possession of Firearm/Ammunition - In cases where a firearm/ammunition is found in a vehicle with multiple suspects (i.e., constructive possession cases), officers should make every effort to determine if the firearm/ammunition can be connected to a specific individual. In many constructive possession cases, charges are not prosecuted due to a lack of evidence connecting any specific suspect to possession of the firearm.

Attention to detail in the above areas of concern will assist in the successful prosecution of future cases involving firearms/ammunition violations. Questions regarding potential cases can be directed to Sgt. Rich Escalante via email at

REFERENCES:
Policy 344 – Report Preparation
Procedure 804 – Property and Evidence
Use of Force – Case Law Update

Recently, the 9th Circuit Court issued several decisions that have a significant impact on how the reasonableness of force is evaluated, specifically use of the Taser, less lethal shotgun, baton, and OC spray. When using any of these force options, the 9th Circuit has stated justification will be based on the totality of the following three factors:

- The severity of the crime at issue;
- Whether or not the suspect posed an immediate threat to the safety of officers or others; and
- Whether or not the suspect was actively evading or resisting arrest.

Whenever an officer considers the use of the Taser, less lethal shotgun, baton, or OC spray to take a subject into custody, the conduct of the individual officer will be evaluated in accordance with current case law and Department policy. While recognizing officers’ need to take immediate control of a volatile situation, the Courts have determined that need by itself does not justify the use of these force options without an immediate threat to the safety of officers or others. A simple statement by an officer that he/she fears for his/her safety or the safety of others is not enough; there must be objective factors to justify the concern. The following is a summary of recent case law decisions involving the use of force:

Less Lethal

**Deorle v. Rutherford**, 272 F.3d 1272 (9th Cir. 2001) A police officer fired a lead-filled "less lethal" round into the face an emotionally disturbed resident of Butte County, California, who was walking at a "steady gait" in the officer’s direction. Although the subject was unarmed, had not attacked or touched anyone, had generally obeyed the instructions given him by various police officers, and had not committed any serious offense, the officer chose to fire a less lethal round at him. The officer did not warn the subject he would be shot if he physically crossed an undisclosed line or order him to halt. The officer fired at the subject when he arrived at a spot the officer had predetermined in his mind. The projectile destroyed the subject’s eye and left lead shot implanted in his skull.

**Application to Law Enforcement**: Prior to using force warnings should be given, when feasible, if the use of force may result in serious injury. The issuance of a warning, or the failure to provide one, is a factor that will be considered in determining justification.

**Taser**

**Bryan v. MacPherson**, 630 F.3d 805 (9th Cir. 2010) In 2005, an officer deployed his Taser during a traffic stop for a seatbelt infraction. The driver was agitated and did not follow the officer’s order to get back in his car. Instead, he was yelling incoherently and hitting himself on the thighs. The subject allegedly took one step in the officer’s direction (who was about 20 feet away) and was Tased without warning. The subject filed a lawsuit in Federal Court, asserting excessive force. The Court concluded that the intermediate level of force employed by the officer against the suspect was excessive, in light of the circumstances.

**Application to Law Enforcement**: The X26 and similar devices are classified as an intermediate, significant level of force that must be justified. Under **Graham v. Connor**, the justification for use of force is evaluated by examining the three core factors listed above. In Bryan v. Macpherson, the court determined that the Taser usage was unreasonable because the suspect was detained for an infraction and his actions posed no immediate threat.

**Mattos v. Agarano / Brooks v. City of Seattle**, (9th Cir. 2011) In Brooks v. City of Seattle and Mattos v. Agarano, both female plaintiffs were Tased during encounters with police officers where the Court ultimately determined that excessive force was used.
In the Brooks case, a pregnant female was stopped for speeding and refused to sign a citation or exit the vehicle. While the vehicle was running, officers opened the door and put one of her arms in a control hold behind her back. As the female stiffened up and clutched the steering wheel, officers were able to remove the keys from the ignition. An officer cycled his Taser to show her how it functioned before applying it to her thigh in drive stun mode, which did not bring compliance. Within one minute, officers applied it twice more to her arm and neck. After the third application, officers drug the female out and handcuffed her. The Court found the female had not committed a serious violation and did not pose a threat to the officers. Further, the Court concluded her resistance did not involve violence towards the officers and she was not attempting to flee, therefore the situation was not urgent. Other facts important to the Court’s determination of excessive force were; the officers knew Brooks was pregnant and was Tased three times in less than one minute, giving her no time to recover and rethink her decision not to get out of the car.

The Mattos case involved a domestic disturbance. The female subject agreed to go outside her residence to speak with the officers regarding the incident. Before she could comply with the request, an officer entered her home and announced her husband was under arrest. The female was standing in front of her husband and did not immediately move out of the way when the officer approached him. When the officer moved in to arrest her husband, she extended her arm to keep from being smashed against the officer. The officer asked the female, “Are you touching an officer?” The female asked why her husband was being arrested and requested everyone to calm down and go outside, so as not to wake her children. Without warning, the officer fired his Taser at the female in dart-mode. The female and her husband were both arrested. The Ninth Circuit held that a reasonable fact-finder could conclude that the use of force was constitutionally unreasonable and excessive. The Court previously determined in the MacPherson case, that a Taser deployed in dart-mode “constitute[s] an intermediate, significant level of force.” Also important to the Court’s determination was the fact that the female was apparently unarmed, did not threaten officers, and was trying to calm others. The Court determined it was unreasonable for the officer to Taser the “potential non-threatening victim of the domestic dispute whom the officers ostensibly came to protect,” particularly since the officer gave the female no warning before Tasing her.

**Application to Law Enforcement:** The finding of excessive force in both incidents set a precedent that affects what is considered permissible use of a Taser in situations where officers encounter a noncompliant subject (i.e. stiffening up or grabbing on to a fixed object to prevent being moved). Of particular concern is the decision in the Brooks matter, where it was undisputed the suspect was actively resisting arrest and physically preventing herself from being extracted from her car. The use of the Taser, which caused no lasting injury, was still determined to be excessive. This decision appears to have drastically reduced officers’ options for dealing with a physically noncompliant arrestee. Warnings should be given prior to Taser applications, when feasible.

**Pepper Spray and Baton**

*Young v. County of Los Angeles*, 655 F.3d 1156 (9th Cir. 2011) This case arose from a traffic stop for a seatbelt violation, during which an LASO deputy pepper sprayed the driver and struck him with a baton. After providing the officer with his license, the driver exited his vehicle and disobeyed the deputy’s order to get back in. Instead, the suspect sat on the curb, where he ate some broccoli. As the driver sat on the curb, the deputy approached him from behind and pepper sprayed him for failing to obey his order. When the suspect stood up after being pepper sprayed, the deputy struck him with the baton. The Court concluded the use of intermediate force (pepper spray and baton) was unreasonable because the driver was detained for minor violations and the driver clearly posed no threat to the officer or to public safety when the force was used.

**Application to Law Enforcement:** Both pepper spray and baton strikes are forms of force capable of inflicting significant pain and/or causing serious injury. As such, both are regarded as “intermediate force.” While less severe than deadly force, intermediate force presents a significant intrusion upon an individual’s liberty interests. While disobeying a peace officer’s order provides more justification for force than a minor traffic offense, such violations still constitute only non-violent, misdemeanor offenses. According to the Court, non-violent misdemeanor offenses will justify force in far fewer circumstances than more serious crimes, such as violent felonies, absent any immediate threat of violence.

Officers are encouraged to review each of the cases cited for additional details describing the fact patterns involved, as well as the Court’s reasoning for each decision.
Mentally Disturbed and Suicidal Subjects - Use of Force

Can an officer be held liable for failure to prevent a person from committing suicide? Officers clearly have a right to defend themselves and others with reasonably necessary force from attacks by disturbed or suicidal persons, including the use of deadly force when the suspect appears to pose an imminent threat of death or serious bodily harm to the officer or others. But what about situations where a subject poses no apparent danger to anyone but him or herself? How much force may an officer use to prevent someone from hurting or killing only themselves?

Each call for service involving a disturbed or suicidal subject presents a unique set of challenges for responding officers. With regard to suicidal subjects, courts have indicated that officers have no general duty to provide protection to suicidal persons, especially when they are not in custody. To date, no published federal court cases have found it reasonable for officers to use a significant amount of force to try to stop someone from attempting suicide. Further, in Glenn v. Washington County, a case where officers used less lethal rounds against a suicidal subject (armed with a pocket knife) before shooting and killing him, the 9th Circuit court stated the following:

“...It would be odd to permit officers to use force capable of causing serious injury or death in an effort to prevent the possibility that an individual might attempt to harm only himself. We do not rule out that in some circumstances some force might be warranted to prevent suicide, but in cases like this one, the ‘solution’ could be worse than the problem.”

The premise courts use to determine whether officers should be held liable for a suicidal subject’s death is whether or not their conduct constituted “a risk of harm created or intensified” by the officers’ actions. Essentially, when officers’ actions do not place the subject in a worse position than he/she would have been in had they not acted at all, officers do not incur liability.

While some amount of objectively reasonable force may be justified in preventing suicidal subjects from harming themselves, caution must be used by officers to avoid “creating their own exigency.” In order to avoid such situations, officers should request and utilize available resources such as back-up exigency, crisis negotiators, less-lethal weapons, containment options and most of all, time and patience (to minimize the chance of forcing a potentially avoidable deadly confrontation).

The following suggestions may help ensure officers’ actions serve the best interests of the subject, the officer, and the public:

- Despite good intentions to help resolve a situation involving a mentally disturbed or suicidal subject, officers should never compromise sound officer safety tactics;
- Officers’ objective should be protection of the mentally ill or suicidal person, but if that persons’ actions threaten harm to others, officers’ first priority should be protection of themselves and others;
- When responding to a neighbor or family member’s call regarding a mentally disturbed or suicidal subject, officers should conduct their own investigation to confirm that information, if at all possible;
- Investigate for signals that help verify a subject is serious about suicide, including statements made about suicide during previous days or weeks (pre-planning), social media postings indicating suicide and giving away of personal possessions. If practical, contact neighbors, other family members or friends for more information;
- Reassure the disturbed or suicidal person that you’re there to help them, but use caution regarding the introduction of a third party (mother, girlfriend, husband, etc) to your dialogue with the individual, as the third party may be the “cause” of the mentally ill or suicidal subject’s problems;
- Officers should ensure they are equipped with available non-lethal force options when encountering a mentally disturbed or suicidal subject. If officers request other resources to the scene, such as additional non-lethal force options or a crisis negotiator, they should wait for that resource to arrive before initiating any further action (this does not preclude officers from attempting to reach a peaceful resolution by talking to the subject while waiting for additional resources);
- Because being mentally disturbed or suicidal alone does not constitute a crime, officers and sergeants should consider whether or not it is essential to immediately take the person into custody, if they do not pose an imminent threat of bodily harm to another person (For additional information, please refer to AELE Monthly Law Journal issues 2012(1) and 2012(2)).
The recent shooting at Sandy Hook Elementary in Newtown, Connecticut has re-emphasized the need for responding law enforcement officers to have school site plans available to them when responding to a critical incident. To address this need, maps to most schools in Fresno are available to officers in the field via the MDS (Verizon equipped vehicles only) or Department desktop computers. These maps may be accessed from two different locations via the Internet Explorer web browser:

1. Officers can type in http://maps.police.fresno/ into the address bar of the browser;
2. Click on the following links from the http://pdweb/ main page. Click 'Mobile Apps' button. Select 'Maps' option and click 'Launch Selection' button.
A list of available maps will open up with links to each location (below). A PDF of the map will open within the browser. Once open, the user can change the orientation or level of zoom to his/her preference to aid viewing.
The Fresno Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. Policy and Procedure §338, Hate Crimes, 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.

Penal Code §422.55(a) defines a hate crime as either a violation of Penal Code §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;
(c) Nationality;
(d) Race or ethnicity;
(e) Religion;
(f) Sexual orientation; or
(g) Association with a person or group with one or more of these actual or perceived characteristics.

Penal Code §422.6(a) states, “No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in subdivision (a) of Section 422.55.”

Penal Code §422.6(b) states, “No person, whether or not acting under color of law, shall knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or by the Constitution or laws of the United States, in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in subdivision (a) of Section 422.55.”

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.

When a member receives information of a suspected hate crime or hate incident, he/she 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. The investigating member shall notify his/her supervisor of the incident as soon as practical.

Upon notification of a hate crime or incident, the field supervisor shall respond immediately to the scene where personal injury or major property damage has been sustained. In all other events, the supervisor will make a determination whether an immediate response is necessary. In all instances, the supervisor will notify the ComCen and the on-duty district or field commander of the situation. The responding field supervisor should review the contents of Procedure §338 to ensure the proper notifications, follow-up, and additional resources are committed to the investigation.
MANDATORY PRISONER PHONE CALLS

Penal Code §851.5 requires arrestees be given the opportunity to make three phones calls within three hours of their arrest. Officers are not required to advise adult arrestees of the their right to these phone calls, however, when an arrestee requests to use the phone, they should be allowed to do so immediately, or as soon as practical, in accordance with the provisions of PC §851.5.

Generally, adult Fresno PD arrestees are booked into jail within three hours, where they are able to make phone calls in compliance with PC §851.5. When this is not possible and the arrestee requests to use the phone (i.e. during an extended investigation, hospitalization or interview by detectives) officers must provide the opportunity for the individual to make the phone calls as required by law.

Juveniles under arrest are entitled to make two completed phone calls within one hour of arrest per WIC §627. Officers are required to advise juveniles of their right to make these phone calls. One of the calls shall be made to the juvenile’s parent, guardian, responsible relative or employer, and the other call may be made to an attorney. The juvenile’s right to make these phone calls is in addition to the parental notification required by officers.

A designated phone will be made available in the Department’s holding cell facilities for use by persons under arrest. When the arrestee has a personal cell phone, and the investigation would not be compromised by allowing the individual to use it, officers may allow the arrestee to make his/her calls on it in compliance with the provisions of PC §851.5. Under no circumstances are officers required to allow the usage of their personal cell phones.

Within three hours of arrest, officers are also obligated to inquire as to whether the person in custody is the custodial parent of a child. When officers learn that the individual is responsible for a child or children, he or she shall be allowed to make two additional phone calls for childcare arrangements (in addition to the first three).

An arrestee should be given sufficient time to make contact over the phone with the persons he or she is calling and to make necessary arrangements related to their arrest. Officers may use discretion in determining the length of the phone calls. Calls made to an attorney shall not be monitored or recorded. As required by PC §851.5, signs containing the following message will be posted in the holding cell areas of the Department:

The arrestee has the right to free telephone calls within the local calling area, or at his or her own expense if outside the local calling area, to three of the following:

1. An attorney of his or her choice or, if he or she has no funds, the public defender or other attorney assigned by the court to assist indigents, whose telephone number shall be posted. This telephone call shall not be monitored, eavesdropped upon, or recorded.

2. A bail bondsman.

3. A relative or other person.

The arrestee, if he or she is a custodial parent with the responsibility for a minor child, has the right to two additional telephone calls within the local dialing area, or at his or her own expense if outside the local area, for the purpose of arranging for the care of the minor child or children in the parent’s absence.

The rights provided by PC §851.5 shall be provided regardless of the arrestee’s immigration status. Any officer who willfully deprives an arrested person of the rights granted by PC §851.5 may be guilty of a misdemeanor.
SIKH AMERICANS

The information provided in this training bulletin is intended to educate Department members with information to enhance interactions with members of the Sikh community. Sikhism is the fifth largest religion in the world. Most of its followers come from modern day India and speak Punjabi. Sikhism is its own faith and not a branch of any other religion.

Symbols of Sikhism

There are five symbols of the Sikh faith, also known as the five K’s:

- Kesh - long, un-cut hair that is considered holy and kept covered by a turban;
- Kirpan - a ceremonial sword symbolizing willingness to protect the weak and defend against injustice;
- Kara - a steel bracelet symbolizing strength and integrity;
- Khangha - a wooden comb symbolizing cleanliness and order; and
- Kachhera - cotton undershorts symbolizing self-control and chastity.

The turban, Kirpan, and Kangha are items that, under some circumstances, may pose safety concerns for officers interacting with Sikh Americans. Officers should be aware of the following considerations:
Bicycle Stops

When an officer attempts to stop a subject on a bicycle, there are generally three possible outcomes:

- The subject will gradually come to a stop;
- The subject will attempt to evade the officer; or
- The subject will come to an abrupt stop.

With this in mind, officers must be prepared to react to any of these outcomes, or a combination of them. A common sense approach must be used when attempting an enforcement stop of a bicyclist. Considerations include, but are not limited to:

- An officer following a bicycle at about 20 mph will take ¾ to one second to react to the bicycle coming to an abrupt halt. During the ¾ to one second time frame required for the officer to react and apply the brakes, the patrol car will have travelled roughly 21 feet;
- Once an officer reacts and applies the brakes, the stopping distance for a vehicle is generally double to triple that of a bike, even if they were both initially travelling the same speed;
- The difference in weight and size of a bicycle vs. car, and the lack of protection for a bicycle rider in the event of a collision;
- Roadway surface conditions that may have a critical impact on an officer’s ability to control a vehicle and bring it to a stop. Unimproved surfaces, or surfaces with loose sand and/or gravel will greatly decrease control and increase stopping distance of any vehicle; and
- A suspect fleeing on a bike may come to an unexpected and immediate halt while the patrol car is following behind.

Safety, Service, Trust
This RCTB contains some of the new and amended codes that became effective January 1, 2014. The information concerning the new and amended codes was obtained from the California Police Officers’ Association 2014 Legislative Update Digest. This RCTB is not a complete list of all legislative changes and additions for 2014, but primarily those that may impact officers during the performance of their duties.

PC §572 (amended): Provides that a threat made to report the immigration status or suspected immigration status of an individual or the individual’s family, may induce fear sufficient to constitute the crime of extortion (felony).

PC §§261 and 286 (amended): Provides that rape or sodomy occurs where the victim submits to the sexual act under the belief that the perpetrator is someone known to the victim, other than the accused, and not just the spouse of the victim (felony).

PC §§288a and 289 (amended): Changes to this law expands the definition of oral copulation and sexual penetration sex crimes committed by fraud or impersonation to include the occurrence where the victim submits under the belief that a person committing the act is someone known to the victim other than the accused, and this belief is induced by artifice, pretense, or concealment by the perpetrator, with the intent to induce the victim’s belief (felony).

PC §273.5 (amended): Expands the categories of relationships that constitute felony domestic violence resulting in a traumatic condition to include former fiancés and fiancées, as well as current and former dating relationships (felony).

PC §11165.15 (new): States that for the purposes of the Child Abuse and Neglect Reporting Act (CANRA), the fact that a child is homeless or is classified as an unaccompanied minor, is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

GC §3305.5 (new): Prohibits a public agency from taking punitive action or denying promotion on grounds other than merit, against a public safety officer because the officer’s name was placed on a Brady list (POBR).

PC §186.34 (new): Requires a local law enforcement agency to provide written notice to a minor and his/her parent or guardian prior to designating that minor as a suspected gang member, associate, or affiliate in a shared gang database.

PC §25100 (amended): Adds “criminal storage of a firearm in the third degree” if a person keeps any loaded firearm within any premises that are under the person's custody or control, and negligently stores or leaves a loaded firearm in a location where the person knows, or reasonably should know, that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, unless reasonable action is taken by the person to secure the firearm against access by the child (misdemeanor). It also requires law enforcement to return property it has seized at the conclusion of criminal proceedings.
PC §25135 (new): It is a misdemeanor for a person age 18 years or older who owns, leases, rents, or legally occupies a residence, and who owns a firearm, to keep it in the residence when he or she knows or has reason to know that another person also residing therein is prohibited from possessing, receiving, owning, or purchasing a firearm, while failing to keep the firearm in the residence in a specified way; i.e., within a locked container, disabled by a firearm safety device, within a locked gun safe, within a locked trunk, locked with a locking device that renders the firearm inoperable, or when the firearm is carried on the person or within close enough proximity that the owner can readily retrieve and use the firearm as if carried on the person (misdemeanor).

WIC §§8100, 8102, 8103, 8104, 8105 (amended): Requires licensed psychotherapists to report to a law enforcement agency within 24hrs, any person that communicates a serious threat of violence against a reasonably identifiable person. Departments must notify DOJ within 24hrs of receiving such a report. It also increases the prohibitory period of possessing a firearm or deadly weapon by said persons from 6 months to 5 years.

PC §148.3 (amended): Allows public safety agencies to recoup any reasonable costs incurred resulting from a “swatting” incident from a person convicted of violating this section.

PC §3010.10 (new): Allows for the revocation of parole and 180 day incarceration for parolees subject to electronic monitoring (GPS) for sex offenses, who remove his/her monitoring device.

PC §817 (amended): Allows arrest warrants to be submitted not only via email, but also computer server and will allow a judge to sign the warrant digitally or electronically (an RCTB containing instructions on Fresno County’s eWarrant program will be issued when it is officially launched).

PC §1524 (amended): Authorizes the issuance of a search warrant to authorize a blood draw for DUI related offenses when the person from whom the sample is being sought has refused an officer’s request to submit to, or has failed to complete, a blood test as required by Section 23612 of the Vehicle Code, and the sample will be drawn from the person in a reasonable, medically approved manner. (effective 9/20/2013)

VC §23124 (amended): Expands the prohibition on person’s under 18 yrs from using a wireless telephone or wireless electronic communication device while driving, even if equipped with a hands-free device.

VC §22508.5 (amended): Prohibits a city or county from citing vehicles parked at inoperable parking meters, and allows vehicle owners to park without penalty in any space for up to the posted time limit, if the parking meter is inoperable.

GC §8594 (amended): Allows for the issuance of an AMBER Alert if it has been determined that a child has been abducted or taken by anyone, including a custodial parent who may cause injury or death to the child.

H&S §§11352 and 11379 (amended): Requires officers to establish intent-to-sell before charging suspects with the transportation of specified illegal substances under these sections. (Includes opiates, opiate derivatives, specified hallucinogenic substances, depressants, Cocaine, Heroin, Codeine, Hydrocodone, methamphetamines, amphetamines, barbiturates, LSD, and Ketamine to name a few.)
ELECTRONIC SEARCH WARRANT PROCESS

Beginning in January 2014, the Fresno County Courts will initiate the "eWarrants" program, which will allow local law enforcement agencies to submit electronic search warrants for judicial review and approval. On-call judges will not be required to participate in the eWarrants program, and will retain individual discretion as to whether or not a search warrant may be submitted electronically. The eWarrants program is currently only designed to accommodate standard search warrants. Ramey, Hobbs, juvenile and arrest warrants are not included in the eWarrants program at this time.

Officers seeking review and approval of a search warrant using the eWarrants program will first download the approved form at: https://ewarrant.fresno.courts.ca.gov and clicking the 'Electronic Search Warrant Form' link. This is the only form the courts will accept, but officers may copy and paste related documents including the affidavit, attachments and probable cause statement into the form, where appropriate.

During normal business hours, officers seeking to submit an electronic search warrant should contact the search warrant submission and if so, provide additional instructions for contact with the judge. Department members seeking to submit a search warrant for judicial review AFTER normal business hours must contact the FSO Dispatch Center at (559) 488-3111. The dispatcher will make contact with the on-duty judge and facilitate phone contact between the judge and officer seeking the warrant.

If the on-duty judge agrees to accept eWarrant submission, the clerk/dispatcher will provide the officer with the appropriate email address to send the search warrant to, which will be one of the following:

- eWarrant1@FRESNO.COURTS.CA.GOV
- eWarrant2@FRESNO.COURTS.CA.GOV
- eWarrant3@FRESNO.COURTS.CA.GOV
- eWarrant4@FRESNO.COURTS.CA.GOV

Completed search warrants must be emailed to the designated on-duty judge in one single Adobe PDF PDF document must then be sent as an attachment to the email. Once sent, it may take up to five minutes for the electronic submission process to be complete.

The on-duty judge will swear in the officer (affiant) over the telephone. If the warrant is approved, the judge must then print the signed search warrant.

Once the Microsoft Word version of the form is complete, the officer (affiant) should electronically sign the first page of the search warrant affidavit by typing the symbol /S/ followed by their type-written full name (e.g. /s/ Detective John E. Doe).

To convert the form and attachments from Microsoft Word to a PDF, click on the MS Office ribbon in the upper left corner of the MS Word application.
Additional Information:

- When completing the form, the spacing and positioning of the first page must not be altered as the program will apply the judge’s signature, date/time stamp, and initials at pre-programmed positions;
- eWarrants cannot be completed or submitted via MDS;
- Any text typed into the body of the e-mail to automatically deleted by the eWarrants system and will not be seen by the receiving judge;
- DMV information cannot lawfully be copied and pasted into electronic search warrant affidavits;
- search warrant returns shall be utilized; and
- A search warrant template specific to DUI related forced blood draws may be found on the “L” drive at: L:\LIBRARY\FORMS\DUI will attach is Search warrant Warrant search the Sample ich.
Releases Pursuant to PC 849(b)

Situations may arise where it is reasonable to detain a subject, and then subsequently release them without arrest after a brief investigation. In these situations, the following applies:

- Such situations are considered detentions, rather than actual arrests;
- Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others;
- When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee; and
- When an individual is detained and released without an arrest, a report shall be drawn to document the details of the detention and the need for use of handcuffs or other restraints.
  - Officers who release restrained persons pursuant to PC §849(b) shall complete the Certificate of Release Form (refer to Procedure §355P).

Although officers are not necessarily required to complete a PC 849(b) form upon releasing a subject who was handcuffed or restrained during a detention, they are always required to document the incident in a report per Procedure 306. For example, when an officer handcuffs an individual solely for officer safety purposes, such as during a large scale disturbance, a PC 849(b) form would generally not be required by law. However, a report documenting the circumstances under which the subject was handcuffed is required by Department procedure.

By contrast, officers who handcuff or restrain an individual while conducting an investigation should consider how the detention would be objectively viewed in light of the circumstances. If the investigation is lengthy, or if the restrained individual is transported to another location, the detention could objectively be viewed as a de facto arrest. Under those circumstances, officers must document the incident in a report, and should complete a PC 849(b) release form.

Officers who release a subject pursuant to PC 849(b) are reminded that they must include a charge on the form and document the circumstances of the detention in the related report. The charge cannot be listed as PC 849(b).

The following are excerpts from the California Peace Officers’ Legal Sourcebook:

*Generally speaking, you should avoid using force and/or physical restraints, such as handcuffs or guns, during a detention situation whenever possible. These “indications of custody” may cause a court to view the detention as an arrest. "When the detention exceeds the boundaries of a permissible investigative stop, the detention becomes a de facto arrest requiring probable cause."

"Neither handcuffing a suspect nor relocating a suspect automatically turns a detention into an arrest where these actions are reasonably taken for safety and security purposes."

Detentions and releases per PC 849(b) are covered under the following sections of the Procedures Manual:

- Handcuffing and Restraints – Procedure 306
- Custody of Adults – Procedure 355
- Field Contacts – Procedure 321
Forced Entry Considerations

Officers are often required to make split-second decisions and respond to dynamic situations that are tense, uncertain, rapidly evolving, and potentially dangerous. Because situations that involve forced entry further increase officers' risk of injury or death, other options should be explored whenever possible.

When exigent circumstances indicate an immediate threat to the life of a person other than the wanted or suicidal subject, officers are expected to take necessary action to preserve life, including forced entry. However, when no immediate threat to life exists, officers should request supervisor response and establish containment and control over the scene.

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. Due to the inherent risks, a forced entry should not be made solely for the purposes of preventing property destruction or preventing escape. Factors to consider when determining whether or not to force entry include, but are not limited to:

- **Seriousness of the suspected offense**
  - What criminal act has actually been established?

- **Need or exigency to force entry immediately versus waiting for additional resources**
  - Has the information establishing an exigency been verified? Are the actions, or planned actions, of officers creating the exigency? Are there sufficient officers on-scene to address the situation and any contingencies that may arise?

- **Warning signs**
  - Is there any prior history involving the location or involved subject(s), which would give rise to specific officer safety concerns (e.g. firearms history)?

- **Control of on-scene involved parties**
  - Are involved parties (RP's, witnesses, etc.) sufficiently contained to prevent interference with police actions?

- **Available force options**
  - What is the most appropriate force option (lethal/less lethal/K-9) for the situation? When a less lethal force option is deployed, is a lethal cover officer in place and ready to react immediately if necessary?
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Additional resources

- Is there a K-9, Crisis Negotiator, or mental health professional (MH-1) available? Has dispatch been directed to check all channels?

- Breach and hold vs. breach and enter immediately
  - If breaching the door has been deemed necessary, what is the need to immediately enter the location? Can the suspect(s) be verbally directed to officers versus officers going into the location? Is cover available and could officers safely retreat in the event of an emergency once they enter a location? Do the benefits of taking the chosen action outweigh the risks involved to officers or citizens?

- Contingency plans
  - What alternatives are available if forced entry does not go as planned?
  - Should EMS be called for standby? Could there be a hostage situation, gas/fire risks, etc?

- Available communications
  - What attempts have been made to call into the location via ComCen, use of a patrol car PA system, or via voice contact through a closed (or even breached) door?

- Armed Barricaded Subject
  - Has information been established indicating the subject is armed and barricaded? If so, refer to Procedure 408 for situations that may indicate the need for SWAT.

When a plan is made to force entry, it is imperative the plan is clearly communicated to involved officers, and that each officer brief back his/her specific role during the forced entry (i.e. less lethal operator, lethal cover, arrest team, etc.).

This RCTB is not intended to prohibit the pursuit of a detainee into premises under the hot or fresh pursuit doctrine or entry for the purpose of rendering emergency medical aid. Consideration shall always be given to officer and public safety, which shall be the primary considerations in determining whether or not to enter a private premise.

Before entry is forced, we must ask ourselves:

- Can we?
- Must we?
- Must we now?

Related topics are covered under the following sections of the Policy & Procedures Manual:

- Use of Force – Policy/Procedure 300
- Force Options – Policy/Procedure 308
- Search Warrants/Pre-Planned tactical Operations – Policy/Procedure 323
- Property Searches – Policy/Procedure 327

Policy and Procedure revisions regarding forced entry will be forthcoming.
Field Resource Guide for Youth and Families

The Fresno Police Department has partnered with the California Endowment as a part of the Building Healthy Communities (BHC) initiative. This ten year initiative focuses on 14 sites throughout California, including the City of Fresno. The goal of BHC is to improve health care, school climate, and make neighborhoods safer.

The Youth Liaison Officer (YLO) position was created, as a result of this initiative, to improve the relationship between youth and law enforcement in Fresno. The YLO is actively working with numerous youth serving organizations including: the Youth Leadership Institute (YLI), Fresno Unified School District (FUSD), Boys Men of Color (BMoC), Fresno County Probation, Fresno County Mental Health, Focus Forward, Boys and Girls Club, Fresno Barrios Unidos, FUSD-Men's Alliance, EOC Sanctuary Outreach, Victim Offender Reconciliation Program (VORP), Every Neighborhood Partnership, Faith in Community, Hope Now for Youth, Fresno Street Saints, Youth for Christ, California Health Collaborative, Stone Soup, Center for Community Transformation, and Life Arrow.

While conducting numerous community meetings throughout Fresno, a common topic of discussion revolved around youth and families being able to identify available resources in the community.

The Fresno Police Department's Resource Guide for Youth and Families was created to serve as a tool for all officers, specifically patrol officers with day to day interaction with the community.

The resource guide is centered on services for youth between 14 to 24 years of age. However, there are several resources for children as well as families.

The guide consists of over 50 service providers that specialize in youth and family services. The providers are categorized under eight section headings and include a brief synopsis of their services, making the guide easy to navigate.

At the discretion of the officer, the guide can be given to parents and/or youth in their time of need.

Department members are encouraged to provide copies of the guide to any citizen who can benefit from youth and family services. Ultimately, the guide can reduce repeat calls for service at the same location and build trust within the community.

Guides are available at all policing district stations, Investigations Bureaus/Units, ComCen and the Records Bureau.
Updated Less Lethal Targeting Areas

Targeting guidelines for the impact area when utilizing a less lethal shotgun have been updated/changed from the "green, yellow and red zones" to a numbering system (zone 1, zone 2 and zone 3). The zones are as follows:

**Zone 1**
- Consists of large Muscle Groups
- Where the threat level is appropriate and this zone is viable, it should be considered first
  - Buttocks
  - Thigh
  - Calf

*The groin area should not be intentionally targeted*

**Zone 2**
- Consists of medium Muscle Groups
  - Abdominal area

**Zone 3**
- This zone carries the greatest potential for serious or fatal injury and should be avoided when possible. It should only be considered when maximum effectiveness is desired to meet a level of threat escalating to deadly force
  - Chest (center mass)
  - Spine
  - Head and Neck

Note: These updated targeting areas are being provided during the Use of Force Update training
Updated Bio-Hazard Kit Contents (Red Box)

As first-responders to a variety of emergency and non-emergency incidents, Department members frequently encounter citizens that may be sick or injured and require emergency medical care. 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.

One of the tools readily available to assist members in the field when administering first-aid is the Bio-Hazard Kit, more commonly known as the “Red Box”. They are required to be present and intact in both patrol vehicles and unmarked vehicles. The Red Box contains basic first aid supplies and personal protective equipment for use until the appropriate EMS/Fire resources arrive on scene to take over care. Since March 2014, Red Box contents have been updated to include the following (with changes noted):

- (4) pair latex gloves (up from 1 pair);
- (1) bottle Isagel liquid hand sanitizer gel;
- (1) packet Isagel hand sanitizing towelettes;
- (2) Ambu Spur resuscitators (adult/infant);
- (1) pair scissors (new addition);
- (10) gauze pads (up from 6 gauze pads);
- (2) rolls gauze (new addition);
- (2) large bio-hazard stickers;
- (4) small bio-hazard stickers;
- (2) red bio-hazard waste bags;
- (1) triangular bandage (new addition);
- (1) 3M Coban self-adherent wrap 1584S, 4 inch X 5 yard (new addition);
  
  Note: A 2-minute training video on the application of Coban wraps has been posted in PowerDMS

- (1) skin marker (new addition);
- (1) infectious control kit containing:
  - (Antimicrobial towelettes; biohazard bag; latex gloves (large); shoe covers; cap; surgeon’s gown; and isolation mask w/eye shield)

Members are reminded to turn in used Red Boxes for a replacement. Used Red Boxes are sanitized and replenished prior to re-issue. When the Red Box has been used to render medical aid at the scene of a crime or other critical incident involving CSIB response, it may be left in place until such time as it can be photographed by CSIB personnel.

Related topics are covered under the following sections of the Policy & Procedures Manual:

- Sick/Injured/Deceased Persons – Policy/Procedure 360
- Vehicle Equipment – Policy/Procedure 704
Citizen Recording of Police Activity

The First Amendment generally protects the right of citizens to photograph and record the activities of law enforcement personnel engaged in the performance of their duties. Recordings by the public may be made in places where the individual has a lawful right to be, whether on public or private property.

Officers should not interfere with lawful recording activities by members of the public, nor should they search or seize a recording device without a warrant, except under a very narrow set of legal circumstances. Whenever possible, officers should seek voluntary cooperation from a citizen if it appears a recording in his or her possession may have evidentiary value. Under exigent circumstances, where a citizen’s recording may contain evidence of a serious felony offense, a seizure of the citizen’s recording may be made. The seizure should be approved by a supervisor and last for no longer than reasonably necessary for officers to obtain a search warrant for the recording. Absent valid consent, warrantless searches of a recording device should not be conducted. Under no circumstances may an officer destroy or delete photographs or recordings made by a private citizen.

A citizen’s right to record does not include the right to do so in a manner that threatens the safety of others, violates the law or incites others to break the law. Unless an individual is actively interfering with officers while engaged in their duties, officers generally cannot order an individual to leave the scene, although they may direct them to stay back. Verbally criticizing police conduct while recording their activities does not constitute interference under PC 148(a)(1).

Lawful Recording - Examples
- A citizen recording from the sidewalk area while an officer conducts a traffic stop;
- A citizen recording officers’ interactions while they are attempting to conduct crowd control at a large-scale disturbance (including use of force incidents);
- A resident inside a house recording officers while they investigate a crime, conduct a search or make an arrest.

Unlawful Activity Related to Recording - Examples
- A citizen recording from within arm’s reach of an officer who is physically struggling with a suspect, while refusing to follow the officer’s orders to back away, thereby distracting the officer and posing a threat to his or her officer safety;
- A citizen recording at a large-scale disturbance while encouraging others in the crowd to kick, hit or attack officers. In this situation, the act of recording would generally not be considered unlawful. However, if the recording contained evidence of the recording party’s illegal acts of inciting others or interfering with officers, it could be subject to seizure in accordance with the law.

When an officer determines a citizen may have recorded a critical incident, recorded evidence of a serious felony offense, or when a citizen is arrested as a result of his/her recording activities, a sergeant should be notified as soon as practical.

References: Glik v. Cunniffe, #10-1764, 655 F.3d 78 and AELE Monthly Law Journal – 2012 (7) AELE Mo. L. J. 201
Social Media Issues

When an officer testifies in court, either on their own behalf in a Federal civil rights trial or against a suspect in criminal court proceedings, the officer’s credibility often determines the outcome of the case. Defense counsel and plaintiff’s attorneys can turn a case by undermining an officer’s trustworthiness. More and more frequently, social media postings made by the officers themselves are being used against them to damage their credibility in front of a jury.

As a Fresno police officer, crude, malicious or insensitive remarks posted on social media, even those made in jest, can be used against you. Comments that seemingly have nothing to do with the performance of your duties can be taken out of context and used to establish “reasonable doubt” regarding your integrity. Specifically, postings that could be construed as racist, sexist, or indicative of heavy-handedness can be used to discredit you and impeach your testimony in court.

Despite an officer’s best efforts to maintain the privacy of his or her Facebook page, Twitter account or Instagram photos, confidentiality may be breached in a number of ways. If the content can be seen, it can be saved, forwarded or otherwise shared. Similarly, comments posted in response to news articles or other online blogs behind the “anonymity” of a screen name can be traced back to you. Defense and civil rights attorneys are monitoring what officers post the same way that police investigators monitor the sites of criminals. If the relevance of a social media discovery request can be demonstrated before a judge, your “private” postings may become the subject of a subpoena.

Thoughts or complaints posted online may start as inside jokes among friends, but they can quickly lose context when shared with an audience that finds the commentary offensive or objectionable. Several examples where this has occurred in front of a worldwide audience include:

- An Indiana State Trooper referred to his law enforcement position as being a “garbage man” because he picked up trash for a living. He then posted a comment that read, “These people should have died when they were young anyway, I’m just doing them a favor.” He also posted this photo, depicting him with his gun to a fellow officer’s head. As a result of his actions, the trooper suffered public embarrassment and shortly thereafter resigned from his position.

- An NYPD officer was questioned by defense counsel as to why his Facebook status as the trial neared had him “watching ‘Training Day’ to brush up on proper police procedure.” He further had to explain why his social media “mood” was set to “devious” on the day of the arrest. The suspect alleged the officer planted the gun found on him and based on the officer’s online postings, was able to convince a jury he was not guilty.

- The social media posts of a Lexington, Kentucky officer included inappropriate and derogatory comments and images regarding homosexuals, the mentally disabled, citizens of Lexington, and his department. He also posted inappropriate comments about use of force and described his misuse of authority for his own benefit and that of a friend who was stopped for DUI. The officer was ultimately terminated for his actions.

Officers should use caution whenever they engage in social media communication during their off-duty hours, as their conduct could subject them to a number of adverse personal and professional implications, per Policy 341.2.5 (ab). Officers should never participate in any personal social media activity while on-duty, per Policy 341.2.5 (a). Officers are also reminded that Policy 341.2.2(l) prohibits Department members from posting material on social media sites specifically identifying the Fresno Police Department.

Remember: Your behavior online is a direct reflection of the entire Department’s integrity and is critical to maintaining public trust.
ELECTRONIC PROBABLE CAUSE DECLARATIONS – A MESSAGE FROM SUPERIOR COURT

An officer is empowered to make a warrantless arrest in the field solely on the basis of his or her conclusion that the person arrested committed a crime. That person may be detained for 48 hours on the basis of the officer’s conclusions alone. For anyone to remain in custody longer than 48 hours, a judge must undertake an independent review of the facts to determine whether there is probable cause to believe that the person arrested committed a crime. The judge has to make that determination based solely on the facts contained in the declaration — the officer’s conclusions are not relevant to that determination, no matter how sincere or well-founded those conclusions may be.

This does not mean that the officer needs to detail every single piece of evidence that points to guilt. The PCD is like a mini-preliminary hearing. All the officer needs to set out are the facts that establish probable cause to believe a crime was committed — essentially some evidence of each element of the crime — and the facts that establish that the person in custody committed that crime.

The Superior Court has identified two recurring problems: (1) Declarations without facts that establish that the crime occurred, and (2) Declarations without facts to establish that the person arrested committed the crime described. Officers know the elements of the crimes — sometimes better than the judge sitting at home without his or her Penal Code — but they can’t just parrot the code (“suspect was found to be driving a vehicle under the influence of alcohol”). They need to set out facts that establish the crime was committed and that the person in custody committed the crime. Here are examples seen in this regard:

INCORRECT - “The suspect consented to a search of his vehicle. He was found to be in possession of methamphetamine.”

CORRECT - “I contacted the suspect, who I had observed driving the vehicle, and he gave me consent to search his car. I found a small plastic baggy containing a white crystalline substance in plain view in the center console of the car/in his right pants pocket/on the car seat where he had just been sitting, etc. Based on my training and experience, I believe the substance to be a usable amount of methamphetamine.”

INCORRECT - “I was attempting to serve a search warrant at a residence in the City of Fresno when the suspect, the brother of the property owner, interfered with my investigation by delaying and obstructing my service of the warrant. He was arrested for a violation of Penal Code section 148(a).”

CORRECT - “I was attempting to serve a search warrant on a residence in the City of Fresno when the suspect, the brother of the property owner, tried to block my access to the front door of the residence, even after I had announced my presence and advised that I had a valid search warrant for the premises. He refused to move on demand, and when I attempted to push past him he grabbed my arm and attempted to prevent me from entering. I arrested him and took him into custody for a violation of Penal Code section 148(a).”

It is important for officers to articulate the actions and behaviors of the suspect relative to the crime elements. Occasionally, the courts receive declarations so garbled and confusing that judges can hardly discern what the facts are.
Knowledge Issue - Another recurring problem is no evidence in the PCD to establish the knowledge element of the crime. For example, receiving a stolen motor vehicle requires that the car be stolen or embezzled, and that the person in possession knew the property was stolen. While judges are not looking for proof of that knowledge beyond a reasonable doubt, there needs to be some evidence to support that conclusion. Just writing that the car was stolen and the suspect was driving it is not enough – was the column cracked, was it being driven with a key, a shaved key or a screwdriver, were windows broken out, could the suspect produce registration for the car, a reasonable story of how he or she acquired it, was the make and model of the car such that the driver could not have believed it was the suspect’s, or could not have believed the seller had title for the price he claims he paid for it, etc.?

Some officers have simply been copying their entire police report into the PCD, figuring that there must be enough in it to establish probable cause. Usually somewhere in the pages of information submitted are the few necessary facts required, but this is not an acceptable approach. The PCD should contain a brief statement of facts that support the arrest. Every detail of the arrest and investigation is not required.

Most prevalent concern - The PCD not containing facts to establish that the person arrested is the person who committed the crime described in the PCD is the most prevalent problem. Somehow, many officers seem to think that the need to establish "the identity of the suspect" means that they just need to establish that the person arrested has the name and DOB noted on the form ("the suspect was taken to the identification bureau and his identity was confirmed by his fingerprints on file"). What must be provided are facts establishing that the person the officer took into custody is the person who committed the crime.

This is usually as simple as "the V identified the suspect I had detained as the person who stabbed him" or "I caught the subject after a brief chase and recognized him as the person I had just seen driving the vehicle." Sometimes it can be inferred from the circumstances of the arrest ("I arrived and spoke with the CV and her husband, arrested suspect Jones...") and we can get by without a more clear identification, but sometimes it cannot ("I spoke with the CV -- she told me her husband, Jones, struck her..."). The officers needs to briefly describe why he or she thinks they got the right guy -- "he was pointed out to me," "he matched the photo given me by CV," "I recognized Jones as CV's husband based on past contacts with them," "CV described Jones by name, date of birth and a distinctive tattoo on his right cheek.

Passive Voice - When officers write in the passive voice, it is often a clue that no one actually saw the conduct described – it was just inferred, a conclusion based on facts not in the declaration and perhaps not known to anyone -- or that it was another officer who they failed to ID who made the observations. "The driver, who was later identified as Davison" is easily replaced with "I identified Davison as the person I had seen driving the Accord before it failed to yield," or "Officer Jones detained the suspect and identified him as the person he saw legbail from the car and throw a gun into the gutter after the collision. I retrieved a .38 cal. firearm from alongside the vehicle, which Officer Jones ID'd as the gun thrown by Davison."

The alternative to the PCD process is requiring officers to physically bring arrested persons before a magistrate to establish these necessary facts, an option requiring resources that neither the courts, nor the Department has to spare.

Consistent with Procedure 344, in-custody ePCD’s must be submitted shortly after booking. This allows sufficient time for corrections or additions, if necessary.

Additionally, a sergeant’s approval will now be required for both in-custody and not-in-custody ePCD’s. Policy and Procedure 344 will be modified to reflect this new requirement in the near future.
TRANSPORTATION OF DETAINEES

**Can police transport a suspect during an investigatory detention?**

Absent consent, detainees should not be transported from the location of the detention. The only exception to this standard is when a detainee is taken a short distance away, due to legitimate safety concerns or to avoid undue embarrassment of the detainee. Other exceptions may apply for in-field show up situations when the victim cannot be moved or there is no other practical alternative.

Officers must have probable cause to arrest a detainee for a specific crime in order to lawfully transport him or her for questioning. Probable cause for a specific crime must exist prior to transport, even if the officer knows he or she may not ultimately choose to book, cite or seek formal charges against the suspect. When a suspect is transported under these circumstances and he or she is later released, a PC 849(b) form shall be completed.

Transporting a suspect to headquarters or another location for questioning – without consent or preexisting probable cause – may constitute an illegal arrest. Information or evidence stemming from an unlawful arrest is inadmissible in later court proceedings. Additionally, civil liability issues may surface, based on fourth amendment related violations.

**When can police detain an individual not suspected of criminal activity?**

The United States Supreme Court has determined that a witness may be detained only when “the need for the detention outweighs its intrusiveness.” A detention under these circumstances is known as a “special needs” detention, and is permissible only under very limited circumstances. Justification for a “special needs” detention of a witness is based on the following four factors:

- Seriousness of the crime witnessed (e.g. a violent felony);
- What type of information officers can reasonably expect to learn from the witness, based on the circumstances (e.g. a description of the suspect or suspect vehicle, information on how the crime occurred, location of physical evidence, etc.);
- The level of proof indicating the witness can provide information about the crime (e.g. the witness was in the area at time of the crime, or the crime just occurred and it appears likely the witness would have seen the suspect fleeing, etc.); and
- Whether there are less intrusive methods to obtain the same information (e.g. officers already know the individual’s name, or the individual was identified by others at the scene for later contact).

Minimizing the length and intrusiveness of a “special needs” detention is critical to gaining voluntary cooperation from the witness and ensuring the detention is legally sound. The manner of stopping the individual, restraints used on the detainee, officers’ tone, weapons drawn, and location of the detention are all important factors for consideration. Unless a witness voluntarily consents, officers may not transport the individual from the scene of the detention to another location for questioning, absent a legitimate safety concern.

Officers should keep in mind that California does not have a statute requiring detainees to identify themselves. The 9th Circuit Court has ruled that failure to identify oneself does not constitute a violation of PC 148. A detainee’s refusal to identify him or herself would not amount to probable cause for arrest, and would not justify transportation of the detainee to another location for questioning or identification purposes.
HOMELESS TASK FORCE DUTIES / DEALING WITH ENCAMPMENT ISSUES

The Homeless Task Force ("HTF") was formed to address issues related to the formation of temporary encampments within the City. What is a temporary encampment?

- Per Administrative Order ("A.O.") 6-23, a temporary encampment is any unlawful encampment located on private or public land that has 10 or more subjects which have been in place for more than 10 days. The removal of such an encampment triggers the need for advance written notice consistent with the terms of the A.O. Anything less than this (people or time) would not require the provision of advance written notice prior to removal.

The goal of the HTF is to deal with situations before they reach the point of an expansive, unlawful encampment. As such, the focus of HTF has been concentrated around the Fresno Rescue Mission and the Poverello House. Due to the services offered by these providers, and the history of encampments in Fresno, this area will likely continue to be a concern for the City.

Effective April 1, 2015, the Encampment Hotline (621-7788) will no longer be in use. When this number is called, a pre-recorded message will explain the circumstances in which the Fresno PD will respond to encampment complaints and will advise them to call 621-7000. To ensure the timely response to complaints of this nature, calls that require field response will be made into a call for service and dispatched to Patrol officers in accordance with current call handling procedures.

During the normal course of duties, Patrol officers will likely come into contact with actual or potential temporary encampments. Officers should address these situations, if they are able to do so. The HTF will operate like a POP officer, responding to those situations that require greater time and resources than Patrol can offer. Please forward events and/or locations that may require additional follow-up to homelesstaskforce@fresno.gov. HTF hours are fixed at 0600-1600, 7 days a week.

Types of calls that should be handled by Patrol:
- RP needs subject sent on way, sleeping or loitering on private property.
- Subject causing a disturbance.
- Subject blocking sidewalk during normal daylight or business hours.
- Subject blocking street at any time.
- Illegal panhandling.
- Trash left behind by subject. (Officer should contact RP and advise them to remove trash/property as they see fit; HTF/Sanitation does not remove trash from private property.)

Situations that can be forwarded to HTF for follow up:
- Multiple subjects that have constructed a structure(s) that cannot easily be disassembled and/or carried away.
- Multiple CFS in same location where subjects continue to return, despite Patrols contacts.
- Private property, including houses, businesses or vacant lands that need to be posted or reviewed by Code Enforcement.
• Situations where a location has become a dumping ground which attracts individuals (alleys, cul-de-sacs, etc.).
• Subjects who are trying to encamp and have collected significant amounts of property or refuse.
• Any other temporary encampment type situation where the HTF’s resources could be used to reach a long term resolution.

Due to the limited resources available for property storage, the HTF cannot respond to, remove or store property for an arrest in the field. HTF only has that ability when making arrests related to their own enforcement actions.

The below pictures are examples of what the HTF responds to and deals with in the field. If you encounter these types of situations, please forward the information to the HTF via email for follow up.
Stay Out of Areas of Prostitution (SOAP) Probation Violations

The SOAP Probation Report is provided by the Fresno Police Department Vice Unit as a result of persons arrested for prostitution crimes and placed on court probation. Persons placed on SOAP probation must not violate any of six special conditions as imposed by Superior Court.

The following are the six special conditions of probation:

1. Do not solicit, agree to engage in, or engage in any act of prostitution. “Prostitution” includes any lewd act between persons for money or other consideration.

2. Do not hitchhike, flag down or approach motor vehicles for other than a lawful purpose.

3. Do not approach pedestrians for other than a lawful purpose.

4. Do not loiter on sidewalks, streets, intersections, or parking lots.

5. Procure, maintain and carry a valid California Driver's License, or Department of Motor Vehicle Identification Card, with true name and birth date.

6. Do not enter a high prostitution area in the City of Fresno except for lawful purpose, and only to the extent that the activities are accomplished without loitering on streets, sidewalks, parking lots and other public places.

Officers making an arrest of violation of court probation must find, and be able to document in the report, that the suspect did in fact violate one of the above six conditions as set down by Superior Court. A person merely entering a high prostitution area, such as Parkway and Olive, does not necessarily violate probation unless the officer can show that the suspect was in that area for an unlawful purpose such as flagging down traffic, loitering, or attempting to engage in acts of prostitution.

The SOAP Probation Report can be located in the CAD Reference File, along with a separate list containing SOAP Bench Warrants recently issued. Both lists are updated periodically with information provided by the Prostitution Abatement and Rehabilitation (PAR) Coordinator. Prior to affecting an arrest for the violation of probation, officers should be aware of the termination date of the probation as listed on the SOAP Probation Report.

Questions regarding the publication of this report and its accuracy should be directed to the Fresno Police Department Vice Unit Supervisor at (559) 621-5904, or the PAR Coordinator at (559) 621-5905. Citizens wishing to report suspected locations involved in prostitution or human trafficking may call the Human Trafficking Hotline at (559) 621-5950.
Victim Information Forms

The State of California has strived to insure that crime victims are not further victimized as they participate in the legal system and that they are provided with information on the services available to them. In 1982, Proposition 8 created the Victim’s Bill of Rights. In 2008, California residents passed Proposition 9 which was known as Marsy’s Law, which expanded the rights of victims. It amended the State Constitution and created Penal Code §679.026.

Penal Code §679.026 (c)(1) mandates that every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act shall, as provided herein, at the time of initial contact with a crime victim, during a follow-up investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, provide or make available to each victim of the criminal act, without cost or charge, a "Marsy's Rights" card, informing the victim of his/her rights.

The California Constitution section 28, article I,(e) defines a victim as "a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term 'victim' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term 'victim' does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim."

In a continued attempt to provide victims with access to services, the Department has created a Victim Information Form. The form provides victims with a copy of the Victim’s Bill of Rights, also as known as Marsy’s Law and a list of additional local resources. This form will take the place of the Victim of Violent Crime Form currently required under Procedure 336- Victims Assistance.

The Victim Information Form shall be provided to every crime victim by the reporting officer or cadet. The form will be provided in addition to the other victim form letters required as follows:

Procedure 320: Domestic Violence
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 and shall orally instruct the victim on its contents (PC §13700-13701).

Procedure 347: Sexual Assault
Members shall provide all sexual assault victims with the Sexual Assault Victim’s Information Form [PC §264.2(a) and §13701]; and provide the Sexual Assault Investigative Letter (SAIL) containing their name, badge number and case number, and instruct sexual assault victims to call the Sexual Assault Unit if they desire further investigation.

Procedure 362: Identity Theft
Members shall provide victims with a Fresno Police Department Identity Theft Information Brochure and discuss identity theft prevention methods with them. Members shall have the victim sign an Identity Theft Victims Fraudulent Account Information Request Form (PC § 530.8). The form shall be submitted along with the officer’s/cadet’s report.
Taser Spark Tests

TASER International provides recommended best practices as they relate to the operation of our Conducted Electrical Weapons (CEWs). One such recommendation deals with the spark tests of our CEWs.

Spark tests are recommended prior to the start of the operator’s shift in an effort to ensure that the CEW is working correctly. The previous recommendation was that these spark tests could last as little as one spark (1/19th of a second). As long as the operator saw a visible spark between the electrodes, it was not necessary to extend the spark test duration. However this short spark test has not proven to be the most effective method for verifying the functionality of the X26P, X2, and X26 CEWs. It also does not allow the internal diagnostics to collect sufficient performance data and display crucial information to the operator such as major or critical errors via the Central Information Display (CID).

If the Taser has a weak or failing battery, the pulse rate may be adequate for the first few seconds, but then deteriorate during a full 5-second spark test. These facts, combined with concerns over prematurely shutting down the CEW in the field after performing repeated short spark tests, has resulted in TASER International changing its recommendation regarding spark tests for all CEWs.

Effective immediately officers are directed to conduct spark tests that allow the Taser to run for the full 5 second cycle and shut off on its own. This 5-second duration will not only allow the Taser to run crucial diagnostics, but also notify the user of errors via the CID of the Smart Weapons.

This new guidance will also help the operator detect any unusual spark rates with the CEWs and minimize potential muscle memory concerns with deactivating the CEW too quickly during a field deployment. Questions regarding this Training Bulletin should be directed to Training Unit.
Heat Illness Prevention

At times, employees are required to work in extremely hot environments over long periods of time. When the human body cannot maintain a normal temperature, due to heat, an illness can occur and may result in death if not treated immediately. Heat related illness is when a body’s temperature has started to fail. In turn, body temperature can quickly rise to critical levels. Heat stroke is a condition that can rapidly lead to death.

Heat Stroke/Exhaustion - If a department member shows signs of heat stroke or heat exhaustion they should immediately seek medical attention. Someone should stay with the member, move them to a shaded area and remove their outer clothing. The member should be cooled with water and air circulated to speed cooling. Cold wet cloths or ice should be placed over the body or their clothing soaked in cold water. Small sips of water may be given if the injured worker is able to swallow.

Heat Cramps - For heat cramps, fluids should be replaced by drinking water and having a snack and/or carbohydrate-electrolyte replacement liquids every 15 – 20 minutes. Avoid consuming salt tablets. The member should seek medical attention if cramps do not subside in 1 hour.

Tips: members should drink small amounts of water or 1 cup (8 ounces) at least every 15-20 minutes during moderate activity or in hot conditions. Urine should be clear or lightly colored. It is harmful to drink 12 quarts or 48 cups of water in a 24 hour period. Members should take frequent rest periods in shaded or air conditioned recovery areas.

During extremely high temperatures, if possible, members should do less strenuous activities, such as report writing or training during rest periods. Rest periods should be in an air conditioned space, fully shaded or open to cooling breezes in areas equipped for mild work as stated above. Air conditioned vehicles are an acceptable rest place. According to OSHA, the Heat Index is considered to be Lower when less than 91 degrees, Moderate when temperatures reach between 91 and 103 degrees and High when temperatures exceed 103 degrees.

While Cal-OSHA does not have a current “rest duration” standard, rest periods should be long enough to allow the body an opportunity to get rid of excess heat, slow the production on internal body heat, slow the heart rate and provide greater blood flow to the skin.

See the list below for locations where members may access ice and/or watering stations. All machines at the Municipal Service Center are available from 0600-2200. Some machines may be locked after 2200 hours to ensure the availability of ice for employees the next day.

Water and Ice can be acquired in the following locations:
- City Hall- first floor (see security for access during business hours)
- Municipal Service Center:
  - Solid Waste, Street Maintenance, Communications and FAX Admin
- Water Division:
  - Water yard 2 locations
- Ted C. Wills, Mosqueda and Dickey- during business hours.
- Any Fresno Fire Station (1-19) and Headquarters- can be accessed when Fire Crew is present at station
**Increased Risk Factors to Workers**
- High temperature and humidity
- Direct sun exposure without shade
- Limited air movement
- Low fluid consumption
- Physical exertion
- Heavy personal protective clothing or equipment
- Poor physical condition or health
- Pregnancy
- Advanced age +65 years

**Common heat related illness**
- **Heat Stroke** - Most serious heat related health problem:
  - Symptoms: confusion, loss of consciousness, seizures, very high body temperature, hot/dry skin or profuse sweating
- **Heat exhaustion** - 2nd most serious:
  - Symptoms: headache, nausea, dizziness, weakness, irritability, thirst, heavy sweating, elevated body temperature, and decreased urine output
- **Heat Cramps**:
  - Muscle pains caused by physical labor in hot working conditions caused by loss of fluid and salts.
- **Heat Rash**:
  - Sweating resulting in a red cluster of pimples or small blisters in the neck, upper chest, groin, under the breasts and elbow creases

References:
NIOSH online at: [http://www.cdc.gov/niosh/topics/heatstress/](http://www.cdc.gov/niosh/topics/heatstress/) or 1-800-CDC-INFO
Real Time Crime Center (RTCC)

The RTCC is a state of the art tactical communications facility equipped with the latest technology in computers, monitors, radio communication, and video policing. The primary purpose of the center is to provide fast, accurate and actionable information to officers responding to emergency calls, in order to enhance the safety of the officers and the community.

The RTCC operators monitor incoming high priority calls and immediately engage by monitoring video policing cameras in the area, monitoring the location of responding units and radio communications involving the call, bringing up activity history at the location, checking names, parole and probation status, warrant information and cell phone numbers associated with the event. All pertinent information is relayed to responding officers via radio or computer.

The RTCC capabilities also include access to an intelligence service known as “Beware,” which rapidly conducts threat assessments on locations, based on people associated with them. “Beware” color codes threat levels into one of three categories: red, yellow or green, based on a multitude of factors. “Beware” also provides information on cell phone numbers, vehicles, and people associated with the primary location of an event, as well as nearby locations.

RTCC operators communicating over the radio will use details RT-1 through RT-8 depending their assigned workstation. The operators also have the ability to instantly notify officers in the field and ComCen personnel of developing information by placing the information in the CAD Event.

The RTCC is also available to detectives in the field to quickly gather intelligence about people and places during critical and dynamic investigations. Operators in the RTCC can be contacted at 621-2630.
A MESSAGE FROM THE DISTRICT ATTORNEY'S OFFICE

Each day the Fresno Police Department submits hundreds of cases to the District Attorney's Office for review. Many of the cases are returned for further follow up due to missing information. In an effort to reduce additional work and to ensure the prompt filing of cases, the DA's Office General Felony Filing Team provided suggestions to reduce No Charges Initiated (NCI)-Further investigation requests.

1. Cases with civilian or merchant videos or cell phone videos:
   - Get the video from the witness/business. When officer refers to video (even if he/she viewed it), it is worthless to the case unless it is somehow booked as evidence.
   - When the merchant can't download, have a unit with a Dept. body camera record it or use a Dept. cell phone to make a copy. Get the name of person who showed you video and take a statement from that person to authenticate the video.

2. DV or Stalking cases with email/text message evidence:
   - When a victim is reluctant to give up their phones, the officer should at least get screen shot photos. Officer's reference to viewing the messages is not sufficient.
   - Use CSIB or a Dept. issued digital camera to photograph the evidence.

3. Stolen Vehicle/Property reports
   - Include the ORIGINAL stolen report from the originating agency when not an FPD report.
   - Include related police reports for stolen property.
   - Don't simply refer to them without the supporting reports being submitted.

4. Possession for sale cases:
   - Do a search warrant on the suspect's cell phone before submitting the case to DA. Often times, the cell phone records are the only way to prove sales.
   - The best evidence would be to "dump" all the contents onto a disc via Dept. forensic software.
   - Photos of texts are okay if the phone isn't available or can't be seized, but is available in some capacity to be viewed or photographed.
   - In addition to the Financial Crimes Unit, DOJ has new equipment to handle these "forensic dumps".

5. Vandalism/Theft charges:
   - Get a written estimate provided by the victim for the repair/replacement cost and/or the basis of valuation. The DA can't accept the victim's estimated value of damaged/stolen property.
   - Dollar amount is key to determine if the crime is a felony or misdemeanor.

6. Reports:
   - Please submit completed reports. Some draft reports have blank pages or incomplete paragraphs.
   - If another officer's report is referenced, please ensure it is included in the filing packet.

7. Switchblade/weapon: describe in detail, including the length of the blade.
Traffic Collisions Involving City Vehicles

Officers respond to thousands of traffic collisions annually. While each collision has its own circumstances, collisions involving City vehicles require special handling to address the issue of potential City liability. Officers are reminded of Procedure §502- Traffic Collisions, which contains specific guidelines for handling traffic collisions involving City vehicles.

Members shall complete a traffic collision investigation report when a City owned vehicle is involved in a traffic collision wherein any damage or injury results.

Officers are also required to notify a supervisor of any traffic collision involving a City vehicle. Supervisors, in turn should evaluate the circumstances to determine if the Traffic Unit Special Investigation Team, the Collision Reconstruction Unit (CRU), or Field Commander should be notified of the collision.

Supervisors are reminded they shall request a Traffic Unit Special Investigation Team response for any City vehicle involved in a collision that results in the transport of any involved person to a medical facility. The report will also be reviewed by a CRU detective prior to its submission for approval.

CRU members shall respond to:
- Fatal or severe injury collisions involving on-duty members, on-duty City employees, and on-duty members of allied law enforcement agencies.
- Fatal or severe injury collisions where the City is potentially exposed to civil liability.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor. Photographs, measurements, and evidence collection shall be requested of CSI personnel when there is a potential for future litigation against the City.
Perception as it relates to Body-Worn Camera Video

When officers are involved in critical incidents, human factors come into play when recalling the details of the event from the officer’s perspective. At times, this can become even more evident when compared to a video of the critical incident. Current video technology generally captures information at 30 frames per second, however, the human eye works faster. Adding in sounds, smells, angle, training and experience, stress, and other factors may or may not create a situation where a video completely matches an officer’s perspective. There is an entire area of science devoted to this issue.

Due in part to this, an admonishment was developed for use after a critical incident. The admonishment is in place to remind both the officer being interviewed and the detective performing the interview that human factors are in place.

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. In such cases where an officer will view a video recording of the incident, an admonishment will be read to them prior to viewing the video.

The admonishment is designed to reassure officers that there may or may not be differences in how they remember the incident when compared to the video. Video has limitations and may or may not depict all of the events as seen or heard by the officer. Camera placement, microphone capability and placement, field of vision vs. camera field of view can differ. Lighting as seen on a video may be different than what is seen by the human eye. Video has a limited field of view and may not depict all of the events as the officer recalls.

Videos are a two dimensional medium and may not capture depth, distance, or positional orientation as well as the human eye. Viewing the video is intended to assist the officers memory and not intended to “fill in gaps.” It is important that the video is used to assist the officer’s memory and ensure the officer’s initial statement explains their state of mind at the time of the incident.

Policy/Procedure §450 covers guidelines for Department members using body-worn cameras and the preservation of related digital evidence.

Any questions or concerns regarding the body-worn cameras can be directed to the Body Camera Unit at axoncamera@fresno.gov.
Response to Potentially Dangerous Persons

While virtually any law enforcement contact could quickly and unexpectedly change into a potentially dangerous person, this RCTB is intended to address those situations in which officers possess a reasonable belief or expectation that the individual they are contacting presents a known or suspected extraordinary risk. It is also understood that such contact may require the officer to make split-second decisions in rapidly unfolding and tense situations.

With this in mind, how do you decide what to do when you are confronted with a hostile subject whether he is armed or not? Do you move forward, backwards, or latterly? What options do you have and how will your actions and decisions later be viewed by the court, a jury or the public? The following are considerations to assist you in prior mental planning when handling these types of events:

The Call:

The nature of the call you are initially responding to should be taken into consideration with the understanding that the situation may often change once you arrive and are able to assess the actual circumstances. Recognizing the practicality and availability of additional resources, you should initially and continually assess whether additional resources should be requested and how you will approach the event. Although circumstances do not always permit, the goal of the Fresno Police Department is the peaceful resolution to all calls when reasonably practical and feasible. While a reverence for human life should be a primary consideration when making tactical decisions, this does not prevent officers from using the appropriate force that is objectively reasonable to take a subject into custody, overcome resistance or protect themselves or others.

If circumstances warrant a request for additional resources, officers should consider whether such assistance is appropriate to handle the situation.

The courts may hold tactical teams or officers involved in preplanned events to a higher standard.

The Location:

Remember to consider your resources and have contingency plans.

No matter what call you go to, officer safety dictates that you always want to have good situational awareness. Where are you going, what’s around, what hazards are you aware of, and what path you wish to take to approach. Whether it is a traffic stop, pedestrian contact, or you are responding to a location, you want to attempt to pick the safest place at which the situation will allow you to make contact. Even if it is a fixed location, such as a house or business, you may still have many options of where, when, and how you will approach. Never forget to use cover and concealment when appropriate.

Cost v. Gains:

Officer safety is not just about you, but the public and the people we contact as well. Remember that the tactics you employ are not just about keeping you safe, but also taking reasonable steps to provide for the safety of the suspect you are taking into custody.

If you plan for the worst and prepare for the best you will generally have most of your bases covered. Take reasonable steps to avoid unnecessarily or unreasonably putting yourself in danger or in which you unnecessarily or unreasonably create the need for the use of force.

With that in mind, it may be appropriate to take reasonable steps to attempt to slow the pace of your call when feasible.
Although the distance between you and another may be beyond your control, it may also be a factor in determining your ability to reasonably respond to and safely resolve a situation. How fast can you react, what is the safe distance, when is it reasonable for you to advance, when is it reasonable for you back off? The reactionary gap is the set distance between you and another where their actions will beat your reaction every time. Another definition of reactionary gaps is, “the minimum amount of space needed to ensure that you can properly react to whatever threat may be presented by a suspect being questioned or detained.”

Whether you are in the open or in a confined environment consider whether it may be reasonable and feasible to attempt to slow the pace of the call and try to create distance. Consider utilizing cover. Creating distance may afford you more time to react, having more time may open up more options for you to utilize.

As a situation evolves consider C.L.R. = Containment. Long rifle, React team.

Remember Communication! When you’re talking to an armed subject who is within the sound of your voice and can see you, you are in a very dangerous situation.

When it comes time to detain or take an armed or dangerous suspect into custody always attempt to pick a reasonably safe approach or position of advantage. If at all practical, bring the suspect to you rather than going to them. If available and reasonable, you should consider the use contact cover to safely take someone into custody. Every officer knows that moment when you finally lay hands on a person can be one of the most dangerous and the final act before the subject chooses to resist or comply.

Be aware of the danger zone when you finally come into the area where you can touch each other. Once here you may need to move forward to secure someone that has become a threat rather than create distance.

Force:

As a reminder you have the authority to use reasonable force pursuant to PC 835 to affect an arrest, overcome resistance, prevent escape, and to prevent serious bodily injury or death to you or others.

PC 835a also states a peace officer need not retreat or desist because the suspect resists or threatens to resist, they will not be deemed the aggressor, and they do not lose the right of self-defense by using reasonable force.

Under the Fourth Amendment, the force you use must be objectively reasonable based on the totality of the circumstances. The “reasonableness” of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

Among the factors considered as a part of the “totality of the circumstances”, the courts may consider:

1. Severity of the suspected Crime?
2. Did the Suspect reasonably appear to present an Imminent Threat?
3. Was the Suspect Resisting Arrest?
4. Was the Suspect Fleeing from a Lawful Arrest?

Although you may not legally be required to retreat (Reed. V. Hoy and PC 835a) officers are reminded that your pre-application of force tactics could be considered in evaluating the reasonableness of force used.
The ability to communicate with allied agencies is a crucial component to ensuring our ability to respond successfully to major incidents. In an effort to facilitate communication with allied agencies, radios in the patrol vehicles have been programmed with the primary dispatch channels for allied agencies.

The primary dispatch channels for allied agencies have been placed into groups as follows:

1. FRN Fresno Police Dept
2. FCO Fresno Sheriffs Office
3. CLV Clovis PD
4. FCLE Fresno County Agencies LE
5. FIRE Fire Channels
6. CAF Cal Fire
7. EMS Emergency Medical
8. MDC Madera County
9. MER Merced County
10. MPA Mariposa County
11. TLCA Tulare County A
12. TLCB Tulare County B
13. KNG Kings County
14. KRNA Kern County A
15. KRNB Kern County B
16. UTAC Nat Interop Channels UHF
17. VTAC Nat Interop Channels VHF
18. MUT Mutual Aid

A complete list of the groups and channel numbers for each agency is available in the Reference File of the CAD System.

In order to move between the available groups, officers will press the Group Up or Down arrows (Red Arrow) on the radio. Once the desired group has been selected, officers will use the channel knob to select the correct channel for the agency they need to monitor or contact.

In the event an officer needs to quickly return to their primary FPD radio channel, they can select the desired channel from the preset buttons on the radio (Yellow Arrow). They will automatically be returned to the correct group and the radio channel they selected. Officers should have their portable radio on their primary channel if they are going to change the vehicle radio to another group to ensure they can monitor traffic on the primary channel.
Purpose:

The purpose of this training bulletin is to explain the Linknet Radio System. The Linknet Radio System is intended to improve the manner by which the Department and other allied agencies communicate. Essentially, all agencies within the Central Valley can communicate directly with each other via hard-mount radio or portable radio simply by switching to Channel 8.

What is Linknet?

The Fresno County Linknet system is a multi-band, mutual aid radio system that is designed to provide interoperable communications during specific incidents. The Linknet system has the ability to combine up to four radio channels, from different agencies into one channel. Nearly all public safety agencies in Fresno County have access to the Linknet system channel. All Fresno Police Department radios should be able to access the Linknet system channel by selecting Channel 8 on their portable / hardmount radios.

The Linknet channel is available 24 hours per day for pre-planned events, emergency incidents and any other incident requiring multi-band, multi-agency communications (i.e. vehicle pursuits).

Activation

Activation of Linknet should be requested by a field commander or field supervisor through the dispatch center. When activated, officers on the original event need to do nothing. They should remain on the primary designated channel and handle the incident. If the system is activated by another agency, you only need to switch to Channel 8. During Linknet activation, Channel 8 will allow you to listen and talk directly with the originating agency’s officers and dispatch center.

Uses

Linknet was designed to be utilized during incidents requiring communications between participating agencies (i.e. Fresno County Sheriff’s Office, Clovis Police Department). Examples of incidents where activating the Linknet system should be considered might be disasters, mutual aid / instant aid events (vehicle pursuits) or other pre-planned events (i.e. Fresno Fair, multi-agency search warrants).

When a Linknet activation is initiated by another agency, as a result of a vehicle pursuit, officers wanting to monitor or respond to assist (with supervisor knowledge/approval) only need to switch their radio (portable or hardmount) to Channel 8. While the Linknet system is active, any transmission on Channel 8 will also be broadcasted on the primary radio channel of the initiating agency, so it is vital you exercise proper radio discipline and protocols. Although the channel is not monitored by a dispatcher (unless patched to a primary channel or requested) it is recorded and archived.

Once the incident generating the Linknet activation has been resolved, the dispatch center for the initiating agency should be notified so the channels can be separated.

This system was developed to improve the communications between agencies on the same incident and enhance the safety of officers responding to assist. To assist with these goals, it is vital you avoid using Channel 8 for non-Linknet communications. Also, remember when the Linknet system is activated (patched) by another agency, you are essentially a guest on their channel and you should exercise good radio discipline/protocols.
2016 Legislative Update

This RCTB contains some of the new and amended codes that became effective January 1, 2016. The information concerning the new and amended codes was obtained from the California Police Officers’ Association 2016 Legislative Update Digest. This RCTB is not a complete list of all legislative changes and additions for 2016, but primarily those that may impact officers during the performance of their duties.

PC §1526 (amended): Changes procedure of obtaining electronic search warrants. Requires affidavit to be signed prior to being transmitted to the magistrate, then the oath shall be made during a telephone conversation. The completed search warrant as signed and transmitted back to the affiant shall be deemed the original warrant.

PC §803 (amended): Adds that a criminal complaint may be filed for vehicular manslaughter one year after the person is initially identified by law enforcement as a suspect in the commission of that offense, whichever is later, but in no case later than six years after the commission of the offense.

W&I §5150 (amended): Requires the individual making the determination if a person meets the criteria for a “5150” hold to consider available relevant information about the historical course of the person’s mental disorder. Specifies that danger is not limited to danger of imminent harm.

PC §186.2 (amended): Expands the list of crimes that allow for forfeiture of assets and prosecution of criminal profiteering to include piracy and insurance fraud. Broadens the definition of organized crime element to include pimping and pandering, piracy, embezzlement, grand theft, forgery, etc.

PC §653f (amended): Provides that every person who, with the intent that the crimes be committed, solicit another or offers to solicit another to join in the commission of specified crimes relating to unauthorized access of computer systems is guilty of a misdemeanor, punishable by up to six months in county jail.

PC §135 and 141 (amended): Expands the prohibition against knowingly, willfully, and intentionally tampering with evidence to include digital images and video recordings owned by another.

PC §69 and 148 (amended): States that a person taking a photograph or an audio/video recording of an officer while the officer is in a public place or the person is in a place he/she has the right to be does not constitute, in and of itself, a violation of PC 69 or 148. It does not constitute reasonable suspicion to detain or probable cause to arrest the person.

PC §405a (amended) and 405b (repealed): Removed the word “lynching” from the code. It can no longer be used as a phrase to describe the act of taking another person from officer custody.

PC §626.9 and 30310 (amended): Changes the Gun-Free School Zone law to allow a person with a CCW to carry within 1,000 feet of a public or private K-12 school, but not on school grounds unless they have written authorization from a school district superintendent. Exempts active or retired peace officers from carrying prohibition. Allows ammunition to be carried onto school grounds if it is in a
motor vehicle at all times and is in a locked container or locked trunk. Deletes exemption that allows a person with a CCW to carry a concealed firearm on a university or college campus.

PC §679.10 (added): Requires agencies, upon request of an immigrant crime victim or victim’s family member, to certify victim helpfulness on the Form I-918 Supplement B certification when the victim was a victim of a qualifying crime and has been helpful or is likely to be helpful to the detection, investigation, or prosecution of that crime. The request must be processes within 90 days of the request, unless the victim is in removal proceedings, then must be completed in 14 days.

H&S §11360, 11379.5, 11391 (amended): Provides that a conviction for transportation of marijuana, psilocybin mushrooms or phencyclidine (PCP) requires proof of intent to sell.

PC §786, 1524.3 (amended): Provides that the jurisdiction for PC 647j(4) cases can include the county where the offense occurred, the county of the victim’s residence at the time of the offense, or the county in which the intimate image was distributed. Allows law enforcement to use a search warrant to get the contents of communications between a customer and service provider.

PC §849 (amended): Added subsection (4) to 849(b) which allows a person to be released when the person was arrested for driving under the influence of alcohol or drugs and the person is delivered to a hospital for medical treatment that prohibits immediate delivery before a magistrate.

GC §8594.15 (amended): Allows for the issuance of a “Yellow” Alert for hit-and-run incidents resulting in serious bodily injury or death and the agency has certain identifying information about the suspect’s vehicle.

VC §21201 (amended): Authorizes bicycles to have a solid or flashing red light with a built-in reflector on the rear in place of the required red reflector.

VC §21719 (add): Enables on-scene peace officer to authorize a tow operator to use the center median or right shoulder in the event of an emergency that requires the immediate removal of traffic impediments. Tow operator must not drive faster than safe for the conditions and have flashing amber lights to the front, rear, and side.

VC §21656 (amended): Expanses section to require to any slow moving vehicle, including bicycles, to use the next turnout or other area where there is sufficient space to allow traffic to pass.

VC §40302 (amended): Allows for the arrest of a person who fails to present his or her driver’s license or other satisfactory evidence of his or her identity and an unobstructed view of his or her face for examination when stopped for a VC infraction or misdemeanor.

VC §22513 (amended) and 22531.1 (add): Requires tow operators to provided vehicle owners/operators a detailed estimate of charges and services (excluding operators sent by motor club or under contract with law enforcement). Requires tow operator to maintain copies of estimates, invoices, and proof of summons to scene for a minimum of three years and to produce them upon request by law enforcement or investigating agencies.

VC §27154.1 (add): Requires the flooring in all motor vehicles to be constructed free of unnecessary holes or opening and maintained so as to minimize the entrance of fumes, exhaust gases, or fire.

VC §27400 (amended): Prohibits the wearing of earphones covering, resting on, or inserted in both ears when operating a motor vehicle or bicycle except under specified conditions. (Previously referred to “head-sets and “ear plugs”)

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California Electronic Communications Privacy Act (CalECPA)

On January 1, 2016, the California Electronic Communications Privacy Act went into effect. It resulted in the creation of Penal Code §1546, which outlines the criteria for accessing information related to electronic communications or electronic devices and establishes notification requirements to the target(s) of the warrant contemporaneous to the service of the warrant unless an exception outlined below applies.

A government entity (law enforcement agency) may compel the production of or access to electronic communication information from a service provider, or compel the production of or access to electronic device information from any person or entity other than the authorized possessor of the device pursuant to a warrant, wiretap order, order for electronic reader records or subpoena issued pursuant to existing state law, as specified.

A government entity may access electronic device information by means of physical interaction or electronic communication with the device only as follows:

- Pursuant to a warrant;
- Pursuant to a wiretap order;
- With specific consent of the authorized possessor of the device;
- With specific consent of the owner of the device, only when the device has been reported as lost or stolen;
- If the entity, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires access to the electronic information; or
- If the entity, in good faith, believes the device to be lost, stolen, or abandoned, provided that the agency shall only access the electronic device information in order to attempt to identify, verify, or contact the owner or authorized possessor of the device.

Warrant Requirements

The warrant shall describe with particularity the information to be seized by specifying the time periods covered, and, as appropriate and reasonable, the target individuals or accounts, the applications or services covered, and the types of information sought. The warrant shall require that any information obtained through the execution of the warrant that is unrelated to the objective of the warrant be sealed and not subjected to further review, use, or disclosure without a court order. Warrants directed to service providers shall be accompanied by an order requiring the service provider to verify the authenticity of the electronic information that it produces.

When issuing the warrant or order for electronic information, or upon the petition from the target or recipient of the warrant or order, a court may, at its discretion, 1) appoint a special master, as described in PC §1524(d) and/or 2) require that any unrelated information obtained through the warrant be destroyed as soon as possible after the termination of the current investigation and any related investigations or proceedings.

If an entity obtains electronic information pursuant to an emergency exception, the entity shall file a warrant, an order or a motion seeking approval of the emergency disclosure within three days after obtaining the electronic information. The court shall promptly rule on the application or motion. If the application or motion is...
rejected, the court shall order the immediate destruction of all information obtained and order immediate notification of the target.

Notification Requirements
Pursuant to Penal Code §1546.2(a), any government entity that executes a warrant, an order, or obtains electronic information under the emergency exception shall notify the identified targets of the warrant. The notice may be served to the person directly, or deliver to by registered or first-class mail, electronic mail, or other means reasonably calculated to be effective. The notice shall inform the recipient that information about the recipient has been compelled or requested, and states with reasonable specificity the nature of the government investigation under which the information is sought. The notice shall include a copy of the warrant or a written statement setting forth facts giving rise to the emergency. The notice shall be provided contemporaneously with the execution of the warrant or in case of an emergency, within three days after obtaining the electronic information.

Delayed Notice Order & Non-Disclosure Order
A government agency may submit a request for an order delaying notification of the identified targets and prohibiting any party providing information from notifying any other party that information has been sought for up to 90 days. The court must determine there is reason to believe that the notification may have an adverse result. The court may extend the notification-delay in 90 day increments. Unless a non-disclosure order is issued, a service provider or any other party is not prohibited from disclosing information about any request or demand for electronic information.

Pursuant to Penal Code §1546.2(a)(3), upon the expiration of the delay, in addition to the information listed above, the notice must include a copy of all electronic information obtained or a summary of that information and a statement of the grounds for the court's determination to grant a delay in notifying the individual. The summary must, at a minimum, include the number and types of records disclosed, and the date and time when the earliest and latest records were created.

Unknown Targets
If there is no identified target of a warrant or emergency request at the time of issuance, the government entity shall submit to the Department of Justice (DOJ) within three days of the execution or issuance of the request all the information required in the Notification Requirements section above. If an order delaying notification is obtained, the entity shall submit the information upon the expiration of the order to the DOJ. DOJ shall publish all the reports on its website within 90 days of receipt. It may redact names or other personal identifying information from the reports.

Voluntary Disclosure by Service Provider
Penal Code §1546.1(f) states a service provider may voluntarily disclose electronic communication information or subscriber information when that disclosure is not otherwise prohibited by state or federal law. If a government entity receives electronic communication information voluntarily provided pursuant to subdivision (f), it shall destroy that information within 90 days unless one or more of the following circumstances apply:

1. The entity has or obtains the specific consent of the sender or recipient of the electronic communications about which information was disclosed.
2. The entity obtains a court order authorizing the retention of the information. A court shall issue a retention order upon a finding that the conditions justifying the initial voluntary disclosure persist, in which case the court shall authorize the retention of the information only for so long as those conditions persist, or there is probable cause to believe that the information constitutes evidence that a crime has been committed.
3. The entity reasonably believes that the information relates to child pornography and the information is retained as part of a multiagency database used in the investigation of child pornography and related crimes.

Continued Use of Subpoenas
Penal Code §1546.1 is not intended to interfere with the utilization of administrative, grand jury, trial, or civil discovery subpoenas.
Definitions

Adverse Result means any of the following: Danger to the life or physical safety on an individual; Flight from prosecution; Destruction of or tampering with evidence; Intimidation of potential witnesses; or Serious jeopardy to an investigation or undue delay of trial.

Authorized possessor is the owner of the device or the person authorized to possess the device by the owner.

Electronic communication means the transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature in whole or part by a wire, radio, electromagnetic, photoelectric, or photo-optical system.

Electronic communication information is any information about an electronic communication or the use of an electronic communication service, including, but not limited to, the contents, sender, recipients, format, or location of the sender or recipients at any point during the communication, the time or date the communication was created, sent, or received, or any information pertaining to any individual or device participating in the communication, including, but not limited to an IP address. It does not include subscriber information.

Electronic device information is any information stored on or generated through the operation of an electronic device, including the current and prior locations of the device.

Subscriber information is the name, street address, telephone number, email address, or similar contact information provided by the subscriber to the provider to establish or maintain an account or communication channel, a subscriber or account number or identifier, the length of service, and the types of services used by a user of or subscriber to a service provider.
Roll Call Training Bulletin

Bulletin #16-03  February 5, 2016  JERRY DYER
Chief of Police

POSSSESSION OF SHOPPING CARTS / ENFORCING FMC §9-3104

In 2014, City Council amended FMC §9-3104 to facilitate the arrest of subjects for unlawful possession of shopping carts. This municipal code mirrors the Business & Professions Code §22435. The municipal code modified the disposition of the cart and placed more responsibility on business owners.

While the Homeless Task Force (HTF) was initially the only unit enforcing this section, it can now be enforced by any officer. Officers shall follow the steps outlined in this RCTB to insure compliance with FMC §9-3104 and to limit civil liability regarding the disposition of personal property.

1. Prior to initiating a detention, the officer should confirm the district has access to a vehicle capable of transporting the shopping cart and property storage bags to facilitate the removal of the property inside the cart. Property storage bags will be available at each District station.

2. Violation of this ordinance is a misdemeanor and all Miranda requirements apply.

3. Once an arrest is made, officers will need to address the suspect's property and impound the cart.

   a. **Property** – All items inside the cart will be considered “property” of the suspect. Unless necessary for officer safety, the officer should not handle the contents of the cart for safety and civil liability reasons. The subject shall be given property storage bags and a reasonable amount of time to pack his property.

   b. **Trash** – The suspect shall be responsible for bagging any items they deem as trash or unwanted and disposing of them lawfully. The arresting officer should ensure that trash and unwanted items are not left behind to later become a public nuisance or blight issue. If necessary, the arresting officer can take bagged, unwanted items to an area of legal disposal if one isn’t readily available on scene.

   c. **Cart** – Officers may return a cart to the legal owner/business if the cart is still usable and does not pose a safety hazard to the public. (Cart Retrieval companies are required to clean and disinfect carts prior to their return to a business). The shopping cart shall be transported to either a district station or City yard for later retrieval. The City Yard (1603 H St) is unlocked from 0600 to 1500, but is accessible after hours (Gate Code: 13-3-25). Empty shopping carts shall be placed in the designated area. A large container is available on site for trash disposal. The gate shall be secured upon leaving.

   The shopping carts can be heavy and cumbersome to move and/or lift. It is recommended that at least two people lift a shopping cart into a trailer or bed of a pickup truck. Members should utilize proper lifting techniques and properly secure the cart prior to transport.

   d. **Video/Pictures** – Ideally, video (Axon Body Cameras) should be used to document the arrest and disposition of the property. When unavailable, photos should be taken to show the personal property inside of the cart, the identifying marks and legal disclaimers on the cart, or the lack thereof.
e. **Ownership Dispute** – Claims of ownership or permission to possess the cart shall be documented in the report. The cart shall be tagged with the case number and stored at either the district station or City yard. An email shall be sent to the HTF Sergeant with the case information. The cart will be held for 30 days to allow the suspect time to produce documentation of ownership and/or permission.

f. **Suspect Booked** - If the suspect is to be booked for either the FMC §9-3104 or other charges, the suspect’s property shall be booked for safekeeping at either a district station or PECS in accordance with Procedure §804. The suspect’s property may be left with an associate in the area, upon the suspect’s request, if the officer determines it will not be a hazard to the public or create further issues.

4. In most cases, only two of the subsections of FMC §9-3104: Unlawful Possession of Carts will be utilized. The victim shall be the City of Fresno, not the owner/business name on the cart. Templates for both are in RPW. Please refer to the entire code for all the subsections and definitions.

   a. **9-3104(b)** – This will be the most used section. This is when the cart is clearly marked and has the required legal disclaimers displayed. The name of the owner/store shall be listed in the report as well as the fact that the appropriate language was found.

   b. **9-3104(c)** – This section shall be used when the required language has been removed/obiterated from the carts. Every effort should be made to identify the cart based on the other markers usually found on the carts (handles, colors, etc.). The lack of the legal disclaimer shall be noted in the report as well as how the cart was identified.

   c. **9-3104(e)** – This subsection applies when a suspect admits to dismantling or altering a shopping cart and using the parts in the construction of a homemade trailer.

5. Some people take the carts away from the business to transport actual purchased goods to their home. While this is a violation of the law, discretion is recommended as the intent to either permanently or temporarily deprive the business of the cart is absent. Members should issue a warning and advise the subject to return the cart as soon as practical.

6. The intent of the law is to return items unlawfully taken to their rightful owners, and not to punish or cause hardship to those using them. Officers should be mindful that the suspects contacted may be individuals with mental disabilities or suffering from other hardships. Officers should exercise patience and utilize de-escalation techniques to minimize confrontations.
Officers may become involved in incidents that indicate the need to force entry into a structure. When exigent circumstances indicate an immediate threat to the life of a person other than a wanted or suicidal subject, a threat to life exists, officers should request supervisor response and establish containment and control over the scene (Refer to Procedure 325).

When forced entry is required to provide emergency assistance to a sick or possibly deceased person, the decision to proceed with forced entry should only be used after other alternatives are exhausted. Two different breaching kits were provided to the policing districts. A smaller Patrol kit was placed in all area patrol cars and detective vehicles. This breaching kit was discussed at the first trimester range training in 2014 and a video describing its usage was shown. The kit may require a minimum of two or three officers, depending upon the tools used, i.e. Ram and cover officer, or Ram, pry tool and cover officer. Due to these circumstances, tactical considerations may require other breaching tools to be considered.

Regardless of the tools used, officers must evaluate the circumstances they face and slow the pace of the call, request additional resources and ensure scene containment when possible. Other considerations prior to breaching are:

- The seriousness of the suspected offense
- The need or exigency to force entry immediately versus waiting for additional resources
- Available force options
- Contingency plans
- Breach and hold versus Breach and Enter

This kit may require a Heavy kit that was provided to the area includes a ram and additional pry tools.
Gun Violence Restraining Order

On January 1, 2016, AB 1014, the “Gun Violence Restraining Order” (“GVRO”) went into effect. This new law prohibits individuals who pose an immediate threat to themselves or others from owning, possessing, or having access to any firearm or any ammunition. The GVRO law was modeled after the existing Domestic Violence Protective Orders. AB 1014 was created as a mechanism to address individuals who exhibit warning signs of impending violence, but have not committed a crime and do not meet the criteria under W&I §5150.

The GVRO laws establish three means of acquiring a restraining order:

1. Emergency GVRO;
2. Temporary GVRO;
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 under 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 in violation of Penal Code §18200- a misdemeanor.

EMERGENCY GUN VIOLENCE RESTRAINING ORDER
Penal Code §18125(a) states: An emergency GVRO may be issued only if a law enforcement officer asserts, and a judicial official finds, that there is reasonable cause to believe both of the following:

(1) The subject of the petition poses an immediate and present danger of causing personal injury to himself, herself, or another, by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm.

(2) A temporary emergency gun violence restraining order is necessary to prevent personal injury to the subject of the petition or another because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the circumstances of the subject of the petition.

The officer must complete a Firearms Emergency Protective Order. The officer must establish the reasonable grounds for the issuance of the order and document the number, type, and location(s) of any firearm(s) and ammunition presently believed to be in the possession or control of the subject of the petition. A judicial officer shall be contacted, through the Court Dispatch Center at 457-4999. Upon issuance, the order must be entered into CLETS.

The temporary emergency GVRO is effective for 21 days from the date of issuance. Prior to the expiration of this temporary restraining order, an officer may bring a petition for either Temporary GVRO or a GVRO (issued after notice and hearing) if he/she believes an extended restriction is warranted for the prohibited person.

TEMPORARY GUN VIOLENCE RESTRAINING ORDER
Penal Code § 18150 allows a police officer or an immediate family member (as defined in CPC §422.4 - 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) to request a Temporary GVRO. This petition may only be sought during normal court business hours.
The Petitioner must complete an affidavit which sets forth the facts establishing the grounds for the petition. Prior to issuing the order, the court may consider testimony from the petitioner and from any witness called on behalf of the petitioner.

A court may issue a Temporary GVRO against a person if the petitioner shows good cause to believe there is a substantial likelihood that the subject of the petition will, in the near future, cause personal injury to self or others by owning or possessing a firearm, and that the Temporary GVRO is necessary to prevent such injury because less restrictive alternatives have been deemed ineffective, inadequate, or inappropriate.

The order will remain effective for 21 days after its issuance. The court must provide a hearing for the restrained person within this 21-day effective period.

GUN VIOLENCE RESTRAINING ORDER AFTER NOTICE AND HEARING

Subsequent to the Temporary GVRO hearing, the court will schedule another hearing to determine whether there is a need to order a more “permanent” order or to terminate the temporary restraining order and the firearms should be returned. The prohibited person will receive notice of this hearing. During this proceeding, the court may hear from the restrained party seeking to terminate the order.

The court may also hear from the petitioner seeking the order and from any witnesses produced by the petitioner. After hearing all of the evidence, the court may extend the GVRO up to one year. The evidentiary requirements and standard of review for this order are similar to any temporary restraining order.

AFTER THE GUN VIOLENCE RESTRAINING ORDER IS IN EFFECT

Surrender of guns and any ammunition for any type of GVRO: A person who is served with a GVRO is required to immediately surrender all firearms and ammunition in his or her possession. If a police officer is serving the order, all firearms and ammunition in the restrained person's possession must be immediately surrendered to the officer upon the officer's request. If the person refuses to surrender the weapons, the officer will need to obtain a search warrant. The mere fact that the now prohibited person refuses to relinquish weapons, and is technically committing a misdemeanor, does not allow immediate entry to recover the weapons. If no request is made by the officer, the prohibited person has to surrender all firearms and ammunition to the control of the local law enforcement or by selling all of the items to a licensed gun dealer within 24 hours.

If someone other than a law enforcement officer is serving the order, the respondent must either surrender his or her firearms to the local law enforcement agency or sell them to a federally licensed firearms dealer within 24 hours of receiving the order. However, the respondent may also opt to store his or her firearms and ammunition with a licensed dealer for the duration of the order.

Search Warrant for all GVROs: A court issuing any kind of GVRO is authorized to issue a search warrant instructing officers to perform a search for any firearms or ammunition in the person's possession, but only after the prohibited party has been properly served with the notice of the restraining order being issued by a court.

Ownership of the Weapons: Firearms and ammunition may not be seized pursuant to a warrant if they are owned by someone other than the subject of the GVRO. These firearms and ammunition must be stored so that the prohibited person does not have access to them. Also, a gun safe owned solely by someone other than the prohibited person may not be searched without the owner's consent or a properly executed search warrant.

Return of firearms and ammunition after any GVRO Terminates or Expires: If the restrained person’s firearms are surrendered to law enforcement (instead of being sold to a dealer), law enforcement must retain the firearms and/or ammunition for the duration of the order and return them to the restrained person when the order expires, terminates, or dissolves.
The Internet Crimes Against Children (ICAC) Task Force was established to combat the growing threat to children by use of the Internet and technology. There are 61 ICAC Task Forces throughout the nation, and the Central California ICAC Task Force covers 9 counties in the Central California region. The Fresno Police Department is a member of this task force along with 58 other law enforcement and prosecutorial agencies. The Central CA ICAC Task Force is responsible for the investigation of crimes including manufacture, possession, or distribution of child pornography, luring and enticement of a child, promotion of obscenity to a minor, “sextortion” and “revenge porn,” and any other sexually motivated crime facilitated by the use of the Internet or technology.

Children are inherently susceptible to the dangers of the Internet. The stages of child psychological development may facilitate online victimization. The lack of emotional maturity can make children more vulnerable to manipulation and/or intimidation. Children also have a strong desire for attention, validation and affection, as well as a lack of caution or self-preservation. The internet allows for children to have instant contact with people around the world, many of whom are hiding their true identity and posing as other children. While there may not be a "contact offense" in some of these Internet cases, the effects on the child's life can be life altering. These types of crimes have led to "cyberbullying," "sextortion," rape, child molestation, attempted suicide, and suicide. In 82% of online sex crimes, the offender used social networking to gain information on the victim, and 65% of suspects obtained information about where the child went to school or lived. Fresno is home to over 1700 registered sex offenders; one of the largest populations per capita. On average, 6 children will commit suicide today due to child physical and sexual abuse in the U.S.

Investigative Considerations

It has become extremely common for suspects to use mobile devices to photograph, video, or communicate with their victims before and during the sexual assault to groom the victim, for "trophies," or to share with other suspects. This includes both adult and child victims. The following are some suggestions to keep in mind during all sex crimes investigations, even if on face value, it does not appear to be facilitated using the Internet. These suggestions are geared toward child sex crimes investigations but can be used with adult victims as well.

- Ask the victim if the suspect used their phone or other electronic device during the crime (pictures, video, or to communicate). Also consider having this question asked by the interviewer during an MDIC.
- Ask the victim if they ever communicated via the telephone or Internet prior to or after the victimization.
- Get a timeline of the communications.
- Obtain any and all usernames for BOTH the victim and suspect's social media accounts and passwords if possible.
- Consider taking custody of all electronic devices the victim or suspect used to communicate, photograph, or video tape with. With suspects, consider seizing all electronic devices you have legal authority to seize (plain view, exigency, consent). While the content may be deleted on one device, it could still be on another, i.e. phone backups through iTunes on a desktop/laptop computer or other means.
considering seizing the electronic device, taking into account the impact on the victim and the weight of potential evidence. In the event seizing the electronic device is not a preferred action, and the evidence contained on the device is of significance or there is a concern for its destruction, please consider contacting the Sexual Assault Unit or Central California ICAC Taskforce for a possible response with the appropriate equipment to do “field forensics”.

- Obtain the passcodes / passwords for all devices.
- When seizing the device it is imperative the Officer puts the device in “Airplane Mode” and power the device off. Also obtain the charging cable if possible. Desktop computers or other devices using a power cord should be unplugged from the back of the device, not the wall. Remove batteries from Laptops.

As you know, there has been case law established regarding electronic devices. We are no longer allowed to search an electronic device without consent, a warrant or absent exigent circumstances. There may be exigent circumstances justifying the seizure of a cell phone, however, the exigent circumstances that support the seizure of the cell phone may not support the subsequent search of the cell phone. The mere existence of applications which remotely wipe devices does not permit an exigent circumstance search of a cell phone absent other articulable facts. Remote access to most cell phones can be prevented by common means such as placing a cell phone in airplane mode, removing the battery, or powering down the cell phone.

Scope of Search

Electronic devices are portals to other information, via “Apps”. A warrant written for a cellular telephone would not extend the search authority to off-site servers owned by a third party ISP company via the electronic device. If the electronic device does not store the content on the device itself, and an officer accesses an account via the phone where the content is stored on the third party’s server, it is a violation of account holder’s fourth amendment rights. An example would include searching unread emails or searching through someone’s “cloud” storage (i.e., Dropbox, Google Drive, and Microsoft OneDrive).

Many social media providers (i.e., KIK, CyberDust) do not retain the content of the conversations between people as a selling point to use their “app”, however, using the right forensic tools, we may be able to obtain the data from the victim or suspect’s electronic device. Often times data recovered from an electronic device has been the only tangible evidence and had been the difference between a guilty verdict and an “NCF” memo.

Questions regarding sex crimes investigations with the use of the internet should be directed to the Fresno Police Department Sexual Assault Unit Supervisor at (559) 621-2492 / (559)621-2447, or Central California ICAC Taskforce Detective Wilkin at (559) 487-6025.

When dealing with Victim’s electronic devices extreme care should be used when...
Juvenile Detention Logs

In an effort to protect juveniles who are arrested, there are State and Federal laws regulating detention and custody procedures. The laws are meant to prevent juveniles from being influenced by adult offenders. Each year, the Board of State and Community Corrections sends a representative to inspect our facilities to ensure we are in compliance with the State and Federal laws. Any time a juvenile who is under arrest is taken into a Department facility where the juvenile may come in contact with an adult offender, the officers must complete a juvenile detention log. This includes Headquarters, District substations, and the SRO Offices at the high schools, since some students may be 18 or older.

There are specific rules dictating how juveniles may be detained based on their detention classification. Juveniles are classified as non-offenders, status offenders, and offenders. They are defined as:

Juvenile non-offenders are 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.

Status offenders are juveniles suspected of committing a criminal violation of the law that would not be a criminal violation if they were an adult. 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 Welfare and Institutions Code §601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

Juvenile offenders have committed an offense that would subject an adult to arrest. It also includes an offense under Penal Code §29610 for underage possession of a handgun or concealable firearm.

Juvenile non-offenders and status offenders shall not be held in secure custody. Juveniles detained pursuant to W&I §300 are not required to be documented on detention logs or subject to the six hours detention restriction. Juvenile offenders must be over the age of 14 and a security risk to be held in secure detention. Juveniles shall not be detained in excess of 6 hours.

There are two different logs: non-secured and secured detention logs. A non-secured detention means that a juveniles’ freedom of movement in a Department facility is controlled by an officer; and

(1) The juvenile is under constant direct visual observation by an officer;
(2) The juvenile is not locked in a room or enclosure; and
(3) The juvenile is not physically secured to a cuffing rail or other stationary object.

A secure detention means that a juvenile being held in temporary custody in a Department facility is locked in a room or enclosure and/or is physically secured to a cuffing rail or other stationary object.

Based on the type of detention, the corresponding log must be completed. These logs are part of the annual inspections. Logs that are not filled out completely are considered a violation against the Department. The logs
record the name of the offender, the reason for the detention, and the length of the detention. The reason must be a charge. For warrants, list the charge(s) on the warrant. Detentions must be approved by a supervisor. The officer shall list the approving supervisor on the form in the box titled “Detention Approved By”. The location of the detention refers to the actual location of the juvenile such as HQ Cell #3, NE Briefing Room, or SW Interview Room. The case number shall be listed on the log.

In Section B, officer must list the “Type of Release Code”, which will be 1) Juvenile released to parent or guardian; 2) Transfer to detention facility; or 3) Other type of release. The name of the party or facility taking custody of the juvenile shall be listed under the release information.

For the Secure Detention Logs, officers must advise the juvenile of the W&I §207.1 Advisements and initial each box to document this was completed. The advisements notify the juvenile of the purpose of the secure detention, the expected duration of the detention, and the six hour detention limit. The officer must circle the reason for the secure detention and whether the juvenile was secured to a stationary object. The officer must conduct safety checks every 30 minutes (15 minutes if juvenile is intoxicated). The time of the safety checks must be documented and initial by the officer.

For the complete list of requirements for juvenile detentions refer to Procedure §324- Temporary Custody of Juveniles.

### Non Secure Detention Log:

<table>
<thead>
<tr>
<th>Juvenile / Officer / Approved By / Location</th>
<th>Sex</th>
<th>Age</th>
<th>Reason Detained Charge(s)</th>
<th>Entered Facility Date</th>
<th>Entered Facility Time</th>
<th>Released from Facility Date</th>
<th>Released from Facility Time</th>
<th>Total Time in Facility Hrs/Mins</th>
<th>Type of Release Code*</th>
<th>Release Information</th>
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<tr>
<td>Juvenile’s Name:</td>
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### Secured Detention Log:

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<tr>
<th>Juvenile / Officer / Approved By / Location</th>
<th>Sex</th>
<th>Age</th>
<th>Reason Detained Charge(s)</th>
<th>Entered Facility Date</th>
<th>Entered Facility Time</th>
<th>W&amp;I §207.1 Advisements 30 Minute observations or 15 minute observations if intoxicated</th>
<th>Juvenile advised of Purpose of Secure Detention by: Initials</th>
<th>Expected duration of detention Time</th>
<th>6 hour detention limit</th>
<th>Released From Facility Date</th>
<th>Released From Facility Time</th>
<th>Total Time in Facility Hrs/Mins</th>
<th>Type of Release Code*</th>
<th>Release Information</th>
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Reason(s) for Secure Detention (circle all that apply): age; maturity; delinquent history; severity of offense; behavior; availability of staff to provide adequate supervision or protection; type and number of other individuals detained. Other:
Due to the increase of violent attacks against law enforcement officers across the nation, and the high crime climate, officers are sometimes required to make split-second decisions in rapidly evolving dangerous situations. This RCTB is intended to assist an officer in mentally preparing responses to an array of unpredictable incidents.

Foot Pursuits can be instinctive, but inherently dangerous. The decision to engage in a foot pursuit should take into consideration whether or not the danger to the pursuing officer or public outweighs the necessity for immediate apprehension. Other factors to consider are the severity of the offense, availability of additional resources, if the suspect is known and apprehension at a later time is safer for the officer and/or public, etc.

When involved in a foot pursuit with an individual that is suspected or is known to be armed, an officer should:

- Evaluate the immediate need to close the distance between themselves and the suspect
- Attempt to apprehend the suspect when a sufficient number of officers are present to assist with taking the suspect into custody; or
- Consider using sound officer safety tactics by following at a distance until sufficient units are arrived in the area to establish a perimeter, or to assist in the suspect's immediate apprehension.

Pursuit Immobilization Technique is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of PIT (Pursuit Immobilization Technique). Depending upon the conditions and circumstances under which it is used, PIT may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Officers should consider the following prior to employing PIT:

- Speeds - PIT should not be implemented at speeds over 35 mph
- Support - A minimum of 3, preferably 4 units should be present in order to carry out a High Risk Vehicle Stop
- Location – When feasible, officers should select a location which affords them a tactical advantage to complete the stop and apprehend the suspect. When selecting the location for the PIT, officers should be mindful of pedestrian and roadway conditions (such as roadway widths, traffic obstructions or embankments).

Shooting at Moving Vehicles is generally not an effective way to stop a moving vehicle due to the limitations of the firearm and ammo. Depending upon the circumstances, it could place the officer at a tactical disadvantage and unnecessarily create a situation where the driver's attempt to merely escape may be perceived as an attack, prompting the officer to use lethal force.

Officers should be mindful of Policy 300, which states, in part:

"Shooting at or from moving vehicles is rarely effective and can be hazardous to both innocent persons and officers. In rare isolated situations, circumstances may justify shooting at or from a moving vehicle. 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."

Mental Illness affects people of all ages, all levels of society, and all ethnic groups. It creates problems with feeling, thinking, and perception which may cause bizarre and/or inappropriate behavior. Officers should consider requesting an assisting officer prior to responding to calls involving mentally-ill subjects.

De-escalation is the use of available options to gain compliance. Although circumstances do not always permit, the goal of the Fresno Police Department is the peaceful resolution of all calls when reasonably practical and feasible. When possible an officer should attempt to slow the pace of the call. Distance equals time and time provides an officer with options. When feasible an officer should consider using distance and cover to their advantage.
“reactionary gap” may allow an officer more options as well as the ability to acquire more resources to aid in resolving the call. While a reverence for human life should be the primary consideration when making tactical decisions, this does not prevent officers from using the appropriate force that is objectively reasonable to take a subject into custody, overcome resistance or protect themselves or others.

Lethal Force Considerations

An officer may use deadly force:

(a) To protect himself/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

(b) To effect the arrest or prevent the escape of a suspected felon in the following circumstances:

1. Where the officer has probable cause to believe the suspect has committed a felony involving the infliction or threatened infliction of serious bodily injury or death; and
2. The officer reasonably believes there is a substantial risk of serious bodily injury or death to others if the suspect is not immediately apprehended; and

(c) To stop a dangerous animal.

Each round that is fired is a separate application of force and must be objectively reasonable under the totality of the circumstances known to the officer at the time that force was used. Accurate and effective shot placement is essential in quickly ending a perceived immediate threat of death or seriously bodily injury to an officer. An officer needs to constantly assess the situation and if necessary make adjustments in their application of force to ensure that their rounds are being fired accurately and effectively.

REFERENCES: Policy 300 – Use of Force
DUI Blood Draw Search Warrants

On April 17, 2013, the United States Supreme Court ruled that forced non-consensual blood draws conducted by law enforcement in DUI cases are unconstitutional under the 4th Amendment (Missouri v. McNeely (2013) 133 S.Ct. 1552). The court ruled that law enforcement could no longer use the natural dissipation of alcohol in the blood stream of a suspect as an exigency for not obtaining a warrant. As a result of this decision, absent specific exigent circumstances, law enforcement is now required to obtain a search warrant prior to a forced non-consensual blood draw. The purpose of this RCTB is to clarify this process.

When a suspected impaired driver refuses a chemical test, officers should proceed as outlined in FPD Policy 514, Driving Under the Influence. If it is determined that a search warrant to complete a blood draw is necessary, officers should utilize the Fresno County eWarrants program, explained in RCTB #14-03.

In most cases, the process would include the following steps:

1. Determine if a Blood Draw Warrant is necessary, (following FPD Procedure 514, notifying a supervisor, and advising the driver of the refusal section of the DS 367 form).
2. Complete the Blood Draw Search Warrant Affidavit and Statement of Probable Cause
3. Call the FSO Dispatch Center to begin the eWarrant process. You will be connected with the on-duty judge.
4. If the warrant request is approved, have the blood draw completed.
5. File the Return to Search Warrant form with the court within 10 days.

Examples of all required forms and more complete directions can be found on the “L” drive at L:\LIBRARY\FORMS\DUI Search Warrant Sample

Blood Draw Search Warrant Affidavit and Statement of Probable Cause
A blank copy of this form and a sample of a completed form can be found on the “L” drive. This form must be completed and saved to a .pdf document prior to calling the on-duty judge.

Return to Search Warrant Form
When a warrant is obtained and successfully executed, a Return to Search Warrant form must be completed and returned to the court no later than ten days after the issuance of the warrant. In calculating the days, do not count the day the warrant was issued. If the tenth day falls on a weekend or holiday, the warrant may be returned the next court day. It is important that the name of the “Issuing Magistrate” be printed on this form and that it is signed by the affiant officer prior to being returned to the court.
Night Service
A request for night service must be made if the blood draw will occur between the hours of 10:00 pm and 7:00am. The “Night Service” box must be checked on the affidavit, and the officer’s statement of probable cause should include information that declares the necessity for night service (e.g. “Night service is being requested because the stop/collision/contact occurred during nighttime hours and due to the immediacy of the alcohol dissipating from the suspect’s blood, waiting to complete the blood draw is impractical and would result in a less accurate sample.”)

Special Considerations

Probation/Parole/PRCS Search Conditions
A driver who is “open to search and seizure” based on a condition of parole, probation or PRCS, can be forced to submit to a non-consensual blood draw without a warrant. It is important to verify the conditions of their supervision prior to the non-consensual blood draw to confirm they are in fact open to search and seizure.

Unconscious Persons
According to recent case law, a blood draw on a suspected DUI driver who is unconscious (without something more) is no longer permissible under California’s implied consent law. The driver must give actual consent. A warrant is required unless exigent circumstances exist (e.g. driver to undergo surgery, blood transfusion, or some other situation that would cause the warrant process to be impractical.)

General Warrant Requirement

Missouri v. McNeely (2013) was a case decided by the US Supreme Court regarding exceptions to the Fourth Amendment to the Constitution under exigent circumstances. The Supreme Court ruled that police must generally obtain a warrant before subjecting a DUI suspect to a blood test, and that the natural metabolism of blood alcohol does not establish a per se exigency that would justify a blood draw without consent.

However, the court did not say warrants are required in all cases. The court left open the possibility of warrantless blood draws being completed with exigencies being considered on a case by case basis. "When officers in drunk-driving investigations can reasonably obtain a warrant before having a blood sample drawn without significantly undermining the efficacy of the search, the Fourth Amendment mandates that they do so. Circumstances may make obtaining a warrant impractical such that the alcohol's dissipation will support an exigency, but that is a reason to decide each case on its facts ".

It is always safest to obtain a warrant prior to a forced non-consensual blood draw unless exigencies exists that make the warrant process impractical.
The Fresno Police Department frequently responds to shots fired calls within our city. An initial report of shots fired can have a variety of outcomes. These calls may lead investigating officers to conclude that the call is unfounded, a negligent discharge of a firearm, an assault with a deadly weapon and/or a homicide.

Officers responding to these calls have a responsibility to investigate the call to determine what crimes have occurred and to locate victims, suspects, witnesses and evidence. Preservation of human life, the safety of the community, and officer safety must be the highest priorities when officers respond to these calls. Shot spotter, the Real Time Crime Center, air support, reporting parties, the officer's familiarity with the area, premise histories, and updated broadcasts can help officers safely arrive and stabilize a potential crime scene.

Once patrol officers have arrived and stabilized a crime scene, they must be diligent in locating victims, rendering first aid, and requesting EMS as needed. Even when a victim has been located, officers shall continue to look for any additional victims. It is not uncommon for victims to flee from the crime scene in an effort to escape danger, seek medical treatment, or avoid police contact. Occasionally, victims will surface at local hospitals or in an area away from the crime scene. Officers should check local hospitals and be aware of calls for service that may be related to the shooting. Officers should canvass the areas inside and around the crime scene to look for additional victims who might be injured and unable to call for help. When attempting to locate victims, officers should consider the number of rounds fired in comparison to strike marks, the direction of bullet trajectory, and information received from witnesses and people in and around the crime scene. Blood trails, video surveillance, and other physical evidence may also lead officers to locate additional victims.

When structures or vehicles are struck by gunfire, officers shall attempt to contact the occupants to check their welfare. When officers are unable to make contact with the occupants, they shall coordinate with the on duty supervisor to assess the level of exigency and determine if a search and/or forced entry is warranted under the circumstances to search for possible injured persons. Absent abnormal circumstances, uniformed officers shall be used to conduct a search. Officers making entry during a search should make announcements, as reasonably necessary to alert occupants of the police presence. Officers conducting a search shall keep in mind the limited scope of the search and shall not search for evidence that is not in plain view.

When officers arrive on a shots fired call and find evidence that supports that shots have been fired, officers shall establish a crime scene, when it is safe to do so. The crime scene should be large enough to secure all evidence. It is better to err on making the scene larger than needed. When the investigation reveals a better understanding of what occurred, the scene can be reduced as needed.

Officers will generally coordinate with CSIB for the processing of a scene when shots appear to have been fired in the air and no victim is located. There are circumstances that may require a Street Violence Section (SVS) detective to respond and assume control of a crime scene when shots have been fired and no person or object has been hit. Circumstances include, but are not limited to, unique cartridge casings that may be
When a building, vehicle, and/or person(s) have been struck by gunfire, officers shall establish a crime scene and notify the SVS. Any on-duty SVS detective can be contacted during the hours of 1800-0400. When Night Detectives are not logged on, a supervisor from the Felony Assault Unit or Homicide Unit should be contacted, depending on the type of call.

Responding SVS detectives will contact the primary officer and/or the on-scene supervisor for an incident briefing. SVS detectives will coordinate with the on-scene supervisor and patrol officers to identify what investigative actions have occurred, what actions need to occur and who will be assigned to complete the remaining tasks. SVS detectives will make the appropriate notifications for calling out any additional detectives.

When an SVS detective assumes control of the investigation, the detective shall notify the primary officer and/or his or her supervisor to coordinate a transfer of information and to identify resources that will be needed to handle the investigation. Once an SVS detective has assumed control of the investigation, any follow-up action should be coordinated with the assigned investigator. Follow-up action that is taken for the preservation of life, or when the incident is still active, should occur under the direction of the field supervisor. Follow-up action of a stabilized incident, which is taken outside the knowledge of the SVS detectives, could potentially compromise or complicate the overall investigation.

Traffic control, providing officers with relief, unruly crowds, and other logistic or administrative tasks will continue to fall under the responsibility of patrol units and field supervisors. Patrol units should be available to assist detectives with required tasks, such as canvassing the area for victims, witnesses, or suspects. Field officers should also assist the investigators by taking preliminary statements, crime scene security, and other tasks needed to facilitate the investigation.

Reference:
Policy 325 Forced Entries
Policy 406 Crime Scenes and Major Incidents
Procedure 360 Expansion of Crime Scene Control
Procedure 406 Crime Scene and Major Incidents
California AB 1424 – Mental Health History

On October 4, 2001 Assembly Bill 1424 was signed by the Governor and chaptered into law. The law became effective January 1, 2002. AB 1424 modifies the LPS Act (Lanterman, Petris, Short Act), which governs involuntary treatment for people with mental illness in California.

“The Legislature finds and declares all of the following: Many families of persons with serious mental illness find the Lanterman-Petris-Short Act system difficult to access and not supportive of the family information regarding history and symptoms. Persons with mental illness are best served in a system of care that supports and acknowledges the role of the family, including parents, children, spouses, significant others, and consumer-identified natural resource system. It is the intent of the Legislature that the Lanterman-Petris-Short Act system procedures be clarified to ensure that families are a part of the system response, subject to the rules of evidence and court procedures.”

While some county mental health departments, law enforcement agencies and court systems may previously have considered psychiatric history to greater or lesser extents, AB 1424 mandates that the historical course SHALL be considered at all steps of the process.

Acknowledging that medical history is critical in making effective treatment and legal decisions concerning mental illness will assist law enforcement and judicial officers make better informed determinations as to whether court-ordered treatment is necessary.

This historical course shall include, but is not limited to, evidence presented by persons who have provided, or are providing, mental health or related support services to the patient and/or information presented by one or more members of the family of the person or the person subject to detention.

More specifically, AB 1424 requires:

- That the historical course of the person’s mental illness be considered when it has a direct bearing on the determination of whether the person is a danger to self/others or gravely disabled;

- That relevant evidence in available medical records or presented by family members, treatment providers, or anyone designated by the patient be considered by the court in determining the historical course;

- That facilities make every reasonable effort to make information provided by the family available to the court; and

- That the person (a law enforcement officer or designated mental health professional) authorized to place a person in emergency custody (a “5150”) consider information provided by the family or a treating professional regarding historical course when deciding whether there is probable cause for hospitalization.
A six-page mental health history and symptoms form is available online at [http://www.co.fresno.ca.us/uploadedFiles/Departments/Behavioral_Health/Public_Guardian/Mental%20Health%20History%20and%20Symptoms.pdf](http://www.co.fresno.ca.us/uploadedFiles/Departments/Behavioral_Health/Public_Guardian/Mental%20Health%20History%20and%20Symptoms.pdf) or in L:\LIBRARY\FORMS\Mental Health which officers can present to family members or caretakers who can provide information to treatment providers about the patient’s mental health history. Whenever family members and/or caretakers of the patient accept the form, they should be encouraged to take the time to fill out the form with current and updated information so this can be presented to emergency responders or others conducting psychiatric evaluation at the time of crisis and to care providers if the patient is hospitalized. The officer can also advise the family member(s) they can contact National Alliance on Mentally Illness (NAMI) Fresno for assistance in completing the form.

In order to facilitate the patient’s treatment and reduce the probability of being immediately released by the evaluating physician, officers should document the specific symptoms of the patient’s illness, if known. For example, instead of stating the subject is paranoid, the officer should document examples of the subject’s paranoia, such as the subject believes he/she is being watched through his/her television, etc. By listing specifics, it will be more difficult for the patient to “talk” their way out of the hold. Officers can also list a person for the evaluating physician to contact for the patient’s mental health history.

Patients and family members can contact NAMI Fresno for assistance at 559-224-2469. Officers requesting additional information or recommending follow-up by a professional from NAMI Fresno can contact Christina Valdez-Roup at 559-385-8446.

**BOTTOM LINE:** In order to ensure citizens with mental illness are receiving the best treatment, officers are mandated to consider the mental health history, document specific symptoms, and consider providing the family with the mental health history forms.
End of Life Option Act

On June 9, 2016 the End of Life Option Act took effect (H&S §§443;443.1-443.21). It 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 person 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 makes 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.

The following information is provided as a summary of the new law and is not to be considered a comprehensive review.

To meet the requirements of the End of Life Option Act at the time of death the decedent must:

- Be 18 years of age or older;
- Be a resident of California;
- Have had the physical and mental ability to self-administer the medication;
- Have suffered from a terminal disease;
- Have submitted a written request witnessed by two individuals and two oral requests to their physician, at least 15 days apart; and
- Within 48 hours prior to taking the drug, have signed a “final attestation” before ingesting the drug.

Important considerations:

- Patients must be capable of and must self-administer the drug(s). The intent of the law is to allow persons present to help by holding a cup or pouring medication into a feeding tube so long as the patient takes an “affirmative, conscious, and physical act” to take the medication into their body;
- This law does not require that patient self-administering the medication have any documentation present;
- If at the scene of an in-progress or just occurred ingestion of aid-in-dying medication, when determining if life-saving measures are necessary, officers must use their best judgment to determine the circumstances, while considering and respecting what could be a very spiritual or emotional scene;
- End of Life Option Act investigations shall not be classified as suicide cases or homicide cases absent specific circumstances to support doing so;
- Death investigations involving a patient who has self-administered End of Life Option Act medications shall be treated as would any other death investigation including coroner notification when appropriate;
- There may be a Do Not Resuscitate (DNR) order or a Physician Order for Life Sustaining Treatment (POLST) present; however, there is no requirement that the patient needs a DNR or POLST or that either needs to be presented to officers on the scene. The totality of the circumstances and department policy, must be taken into consideration;
• There is no mandate for one particular drug to be provided and physicians may vary in what drugs they prescribe. Leftover drugs, that are part of a death investigation, shall be collected and placed into evidence for destruction; and
• Law enforcement should collaborate with and seek appropriate guidance from local and regional medical practitioners as well as legal counsel and/or counsel from their respective District Attorney’s Office to carefully balance the dignity and comfort of End of Life Option Act patients, while also ensuring proper compliance with statutory requirements, and proper death investigations.

New laws created by this Bill:

• It is a felony to knowingly alter or forge a request for drugs to end an individual’s life without his or her authorization; [H&S §443.17(a)]
• It is a felony to conceal or destroy a withdrawal or rescission of a request for the drug if done with the intent to cause or effect the individual’s death; [H&S §443.17(a)]
• It is a felony to knowingly coerce or exert undue influence on an individual to request a drug for the purpose of ending his or her life; and [H&S §443.17(b)]
• It is a felony to administer an aid-in-dying drug to an individual without their knowledge or consent [H&S §443.17(b)].

REFERENCE: Policy & Procedure §360
Implied Consent Update after Birchfield v. North Dakota

Implied consent law in California and nationwide has changed dramatically over the last few years, trending in favor of requiring warrants for all non-consensual chemical tests during DUI investigations. The newest case to affect implied consent laws is the U.S. Supreme Court's June 23, 2016, decision in Birchfield v. North Dakota that makes a strict distinction between blood vs. breath tests.

The Court held in Birchfield that a breath test is a search incident to arrest and therefore does not require a warrant. The Court also clarified that a blood test is much more intrusive than a breath test, and therefore cannot be compelled without a warrant or an exception to the warrant requirement (most often an exigent circumstance). Also, the Court struck down implied consent laws that criminally punish a suspect for refusing a warrantless blood draw.

Birchfield was a consolidated ruling on three separate cases that involved similar implied consent laws but with distinct facts.

A. Birchfield: Defendant was criminally prosecuted for refusing a blood draw. The Court reversed the judgment affirming his conviction because a suspect cannot be punished criminally for refusing an unlawful search.

B. Bernard: Defendant was criminally prosecuted for refusing a breath test. The Court held that a breath test is a lawful search incident to arrest and the Defendant had no right to refuse. Minnesota Supreme Court decision upholding the charge was affirmed.

C. Beylund: Defendant was criminally prosecuted for DUI after “consenting” to a blood test after police told him the law required his submission. Case was remanded to the state court to determine if consent was truly voluntary given the partial inaccuracy of the officers’ advisory regarding criminal consequences of a refusal.

Takeaway from Birchfield:

1. A breath test is a search incident to arrest. A search incident to arrest is a categorical exception to the 4th amendment warrant requirement – it does not depend on an evaluation of the threat to officer safety or the threat of evidence loss in a particular case. There is no test of whether an officer could have gotten a warrant. The mere fact of a lawful arrest justifies full search of person – including a breath test.

2. A blood test is much more intrusive and requires a warrant or an exception to the warrant requirement. A case-by-case analysis is required to determine if there are exigent circumstances to create an exception to the 4th amendment warrant requirement for a blood draw. In contrast, breath tests are categorically exempt from the search warrant requirement. (McNeeley)

3. Criminal penalties may no longer be imposed for refusal of a blood test but they are still allowed for refusal of a breath test. (V.C. 23577)
4. The warning required to be given under V.C. 23612(a)(1)(D) is no longer valid as to blood draws.

5. If a suspect consents to a blood draw after being told there would be criminal penalties for not doing so, the test will most likely be thrown out.

6. Administrative suspension of license and admission of evidence of refusal to show consciousness of guilt at trial are still allowed.

7. If no actual consent is given for a blood draw a search warrant is required unless an exception to the warrant requirement exists.

Other new developments:

1. V.C. 23612(a)(5) is no longer valid. (People v. Arredondo – review has been granted by the Supreme Court and is no longer good law.) Implied consent is no longer sufficient to justify a blood draw from an unconscious suspect – if a suspect cannot consent for medical reasons a warrant must be obtained or other factors must be articulated to describe the exigency that makes getting a warrant impossible or impractical (suspect headed to surgery, unknown medications being administered to suspect, unsafe accident scene, etc.).

Notes for arresting officers in the field

1. Initiate DUI investigations as you would normally. Develop probable cause to believe the suspect is an impaired driver.

2. Read the V.C. 23612 admonition with the following change:
   Delete line number 4 of the DS 367 that states: “Refusal or failure to complete a test will also result in a fine and imprisonment if this arrest results in a conviction for driving under the influence.”

   Note: This change must be made in both the alcohol and drug sections.

3. Administer breath test using current protocol.

4. If the officer wants to draw blood:
   a) The suspect may actually consent – if so draw the blood using current protocol.
   b) If the suspect refuses, the officer must:
      i. Get a warrant; or
      ii. Have an exception to the warrant requirement (normally some exigency beyond the mere dissipation of blood in the suspect’s system).
         1. Provide as much detail/specs as possible to describe the exigency – just stating that it would be impractical to get a warrant under circumstances is insufficient – you must explain exactly why; or
         iii. Check the suspect’s parole/probation/PRCS search status. If he is open to search, a warrant is not required for a blood draw.
   c) If a forced blood draw is performed – please detail what force was used and why it was reasonable under circumstances.

5. The most important takeaway is that a suspect can no longer be told that he/she will face criminal penalties for failure to submit to a chemical test.
Handling Prisoners/Detainees

In the wake of the current climate of violence against officers and the number of firearms on the street, it is vital that officers take precautionary measures when handling prisoners/detainees to prevent deadly encounters.

In 2006, Houston PD Officer Rodney Johnson was shot and killed after taking a subject into custody during a traffic stop. After handcuffing the male, he placed the subject in the backseat of the patrol car and then returned to the driver’s seat. The subject, while handcuffed and sitting in the backseat of the patrol car, was able to move his hands to the front of his body, retrieve a concealed handgun, and shot Officer Johnson in the back of the head four times.

On June 20, 2015, New Orleans PD Officer Daryle Holloway was shot and killed while transporting a prisoner who had been arrested by a previous shift for aggravated assault. The subject had been handcuffed behind his back but managed to maneuver his arms to the front of his body. He then produced the .40 caliber handgun he had kept concealed on his person, crawled through the vehicle’s partition, and began struggling with Officer Holloway. Officer Holloway was shot during the ensuing struggle, causing his vehicle to crash into a utility pole.

On December 8, 2015, Cleveland Metroparks Ranger Chelsea McLellan conducted a traffic stop of a vehicle for speeding. The driver had an outstanding warrant for burglary. A pat search was conducted and the driver was placed in the back of the patrol car without handcuffs. The driver removed a handgun from his boot and concealed it in the patrol car. He was removed and a thorough search was conducted. He was handcuffed and placed in the vehicle for transport. During the ride to the station, he retrieved the gun and moved his hands to the front, and fired multiple rounds at the officer. The suspect struck the officer in the vest and narrowly missed the officer’s head with another shot. The suspect was ultimately killed during the exchange of gun fire.

These incidents clearly demonstrate that officers need to remain vigilant while handling prisoners and detainees. Officers must limit the opportunities that suspects have to access or conceal weapons, contraband, or any other items. In order to do so, officers should:

- Inspect the transportation wagon/patrol vehicle before the start of a shift to ensure it is free of weapons and/or contraband from the previous shift(s).
- Develop a systematic method to pat-down or search suspicious persons and those under arrest prior to transport.
- Thoroughly search a prisoner/detainee, to include searching the subject’s immediate area, waist area, groin/sensitive area, pant pockets, the small of the back, and shoes before placing them in a transportation wagon/patrol vehicle. *Never assume a detainee/arrestee has been searched by someone else.*
- Search the transportation wagon/patrol vehicle immediately prior to and immediately after the transport of a prisoner/detainee to ensure there is no contraband, weapon(s), or other items present.
- Utilize a metal detector whenever a prisoner/detainee is wearing thick or multiple layers of clothing, which can easily conceal a weapon or small, sharp metallic object (i.e., razor blade, syringe) which could easily be missed during a pat down or when the detainee/arrestee is reported to be concealing a weapon and one cannot be located subsequent to a search.

Effective immediately, hand-held metal detectors will be available at every district station and in every transport wagon. They will be deployable when requested by an officer. Officers should remember to use sound, proven and effective tactics to safely do their job.
Trespassing Post Eviction

An Eviction is completed when the tenant is removed from the property and the property is returned to the owner/landlord or their designated agent. Once a tenant is removed, per a court order (Writ of Execution for Possession of Real Property), the tenant is no longer allowed on the property without the owner or their agent’s consent. Whenever a call for service is received where the RP is claiming the tenant(s) who was/were previously evicted have returned, the following must be kept in mind: The deputy who served the eviction tells the property owner to call the police department regarding possible criminal charges if the tenant returns after the eviction is complete. Related code sections if a tenant returns, include but are not limited to:

PC 419 - Returning to take possession of lands after being removed by legal proceedings. Every person who has been removed from any lands by process of law, or who has removed from any lands pursuant to the lawful adjudication or direction of any court, tribunal, or officer, and who afterwards unlawfully returns to settle, reside upon, or take possession of such lands, is guilty of a misdemeanor.

PC 602 - Trespassing. Any person who unlawfully gains access to property that is not their own, is guilty of a misdemeanor.

Verifying whether or not the eviction has been completed. The owner of the property is given a copy of Writ of Execution issued by a Fresno County Superior Court clerk or deputy and stamped with the Fresno County Superior Court Seal. The Writ lists who is the owner (Plaintiff) and the tenant being evicted (defendant). When the eviction is complete, the deputy gives the agent a copy of the “Notice of Restoration” and posts a copy of that form on the property where it is visible.

See attached “Eviction Restoration Notice” sample.

Officers may also verify that an eviction is complete by checking with the Fresno County Sheriff’s Office Eviction Unit by calling 600-8230, Monday, Wednesday or Friday from 1100-1500 hours, or 600-3111 for a call for service on the day the owner claims the eviction took place.

Storage of personal property. After the eviction has been completed, the landlord/agent must store any personal property left by the tenant for 15 days. The landlord/agent may charge the tenant a storage fee prior to turning the personal property over to the tenant. Arrangements for personal property to be retrieved by the tenant will be made by the landlord/agent and at their convenience. At the time the personal property is retrieved, when the landlord requests the former tenant leave the property, they shall leave.
To: Evicted Tenants, Property Owners, Their Agents and The Local Police:

By virtue of a Writ of Execution for Possession of Real Property, the following property was restored to the landlord on:

<table>
<thead>
<tr>
<th>Eviction Date:</th>
<th>Thursday, October 06, 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eviction Address:</td>
<td>5435 E Belmont Ave. #109</td>
</tr>
<tr>
<td></td>
<td>Fresno, CA 93727</td>
</tr>
</tbody>
</table>

Pursuant to Penal Code Sections 419 and 602, and judgment debtor, any persons removed by the Sheriff or Marshal, or any person not authorized by the landlord, who enters the real property after eviction, may be subject to arrest.

Pursuant to California Civil Procedure sections 715.010(b)(3) and 715.030, all personal property left on the premises has been turned over to the landlord. The landlord is responsible for the safe keeping of tenant's property for fifteen (15) days from the date of eviction. The landlord may charge a reasonable fee for removal and storage of the property. However, upon demand of the tenant, the landlord must return the tenant's property if the tenant pays all costs incurred by the property owner for storage and maintenance. If the costs are not paid by the tenant and the tenant does not take possession of the property left behind before the end of the fifteen (15) day period, the landlord may either sell the property at public sale and keep from the proceeds of the sale the costs of storage and of the sale (1988 CCC), if the property is valued at less than $700.00, the landlord may dispose of the property or retain it for his own use. (1174 CCP)

Date: ____________________

Margaret Mims
Sheriff

By: ____________________

Sheriff's Authorized Agent
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TO (Name and Address):
Javier Gonzalez
5435 E Belmont Ave. #109
Fresno, CA 93727

LEVYING OFFICER (Name and Address):
Fresno County Sheriff's Office
Fresno County Sheriff-Civil Unit
2200 Fresno St.
P.O. Box 1788
Fresno, CA 93717

Fresno County Sheriff's Office
Fresno County Sheriff-Civil Unit
2200 Fresno St.
P.O. Box 1788
Fresno, CA 93717

(559) 600-8230
Fax: (559) 488-3377
California Relay Service Number
(800) 735-2929 TDD or 711

NAME OF COURT, JUDICIAL DISTRICT or BRANCH COURT, IF ANY:
Fresno County Superior Court
1130 O Street
Fresno, CA 93721
Sisk

PLAINTIFF:
Joe Smith
DEFENDANT:
Javier Gonzalez

COURT CASE NO.:
16CECL000000

LEVYING OFFICER FILE NO.:
2016021345

Eviction Restoration Notice

To: Evicted Tenants, Property Owners, Their Agents and The Local Police:

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Date: ______________________

Margaret Mims
Sheriff

By: ______________________
Sheriff's Authorized Agent
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Police Response to Structure Fires

The purpose of this training bulletin is to outline the hazards to be considered for police officers when they are first to arrive at the scene of a reported structure fire. This information should be considered prior to entry for rescue purposes. It will outline potential hazards that cannot be overcome without necessary safety equipment and training, and outline useful activities that will aid in a successful outcome.

As first responders, the nature of policing and firefighting is spontaneous. Understandably, officers will instinctively take action to save lives. In doing so, officers should keep in mind that structure fires have many overlapping considerations and hazards.

The following information is key for responding personnel and critical for a quick response and rescue effort:

- Notify ComCen of the correct address.
- Notify ComCen there is a confirmed structure fire.
- If possible, advise color of smoke and/or flames.
- Advise ComCen if you are entering the building and to forward the same information to fire dispatch.
- Close all doors to confine the fire. If inside, close the doors behind you.
- Check floor layout on the floor below fire.
- Leave a member at the door to the fire area to guide you back, and never enter the fire floor alone!
- Where is the location of the fire in the building? **Officers should not enter the building in order to determine the location.**
- Are there people in the building? **If officers choose to enter a building to start rescue operations there are considerable risks involved which could be fatal.**

Officers should know it is the standard best practice for Fire personnel to **never** enter a building fire without personal protective equipment; not even for the purpose of rescue. Keep in mind that not only is the structure filling with deadly gases, but its structure is being attacked by the fire and may collapse.

**OFFICERS SHOULD NOT:**

- Break windows or ventilate in any other way. Fire needs oxygen to burn. Often a fire will slow to a smolder based on not having enough oxygen to burn freely. When a door is left open or a window broken, it allows for a new volume of oxygen, creating a rapid increase in the fire. This potentially endangers occupants attempting to exit to safety.
- Block the front of the building with police vehicles.
- Block fire hydrants.
- Go above the lowest level of fire.
- Use elevators.
- Expect conditions to remain the same as when you entered. They will change quickly and often.
- Stay inside any longer than absolutely necessary.
- Attempt to stand and carry victims from the fire area. If in high heat, stay low to the floor and drag victims to safety.
- Remain in a building after the fire department arrives and begins operations.
Use of Force Reminders

The Department recognizes that the use of deadly force often requires officers to make split-second decisions in tense, rapidly unfolding circumstances. These decisions cannot be viewed with the benefit of 20/20 hindsight and must be objectively reasonable under the totality of the circumstances presented to the involved officer(s) at the time.

The Department further recognizes that threat levels and tactical considerations may make it impractical for involved officer(s) to assess each shot fired in a deadly force situation. However, officers are reminded that careful consideration should be given to continuously assessing the number of shots fired in such encounters as circumstances permit. This ongoing assessment should be made by considering the ongoing totality of the circumstances including, but not limited to, the safety of officers and others, the elimination of any threat and the successful apprehension of any suspect(s).

Investigations of officer conduct are critical and it is essential that assigned investigators/supervisors maintain an impartial perspective when conducting such investigations. While such investigations may include witnesses or other evidence which may appear contrary or even adverse to involved officer(s)' version of an incident, assigned investigators/supervisors are reminded that all witnesses and evidence should be thoroughly gathered and equally considered in related reports. Inclusion of all evidence will permit a more complete evaluation of each situation.

In *Graham vs. Conner*, the Court stated, “we must balance the nature and quality of the intrusion on the individual’s Fourth Amendment interests … against countervailing governmental interests at stake.” “The “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” It also reinforced, “As in other Fourth Amendment contexts... the ‘reasonableness’ inquiry in an excessive force case is an objective one: the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.”
2017 Legislative Update

This RCTB contains some of the new and amended codes that became effective January 1, 2017. The information concerning the new and amended codes was obtained from the California Police Officers’ Association 2017 Legislative Update Digest. This RCTB is not a complete list of all legislative changes and additions for 2017, but primarily those that may impact officers during the performance of their duties.

**PC §141(c) (amended):** Intentional, bad-faith, knowing alteration/withholding of relevant and material evidence/information, with specific intent that evidence/information be concealed or destroyed or fraudulent evidence misrepresented in any proceeding, is a county-jail felony.

**PC §148.5 (f), 29805 (amended) and 25275 (add):** Expands the existing misdemeanor of knowingly, falsely reporting a lost or stolen firearm to law enforcement.

**PC §293. 293.5 (amended) and 1048.2 (add):** Prohibits law enforcement agencies from publicly disclosing the names, addresses, or images of a person who alleges to be a victim of human trafficking, or of that alleged victim’s immediate family.

**PC §402 (amended):** Adds the operation or use of an unmanned aerial vehicle, remote piloted aircraft, or drone, to impede emergency personnel in the performance of their duties while coping with the emergency.

**PC §490.2(c) (amended):** Theft of a firearm is once again a grand-theft felony, whether or not its value exceeds $950.

**PC §597.7 (amended) and Civil Code 43.100 (add):** Expands the authorization and requirements for the removal of an animal from a vehicle and taking such animal to an animal shelter, place of safekeeping, or to an emergency responder; exempts a person from criminal and civil liability under specified circumstances.

**PC §647(b) (amended):** Multiple changes to the prostitution statute include adding an intent to receive/pay compensation (subdivisions (b)(1-3)); provision that a child under 18 does not commit prostitution (subdivision (b)(5))

**PC §638.52 and 1546.1 (amended) and 638.54 and 638.55 (add):** Provides exemptions in CalECPA for pen registers and trap and trace devices permitting authorization for the devices to be used for 60 days rather than 10 days. A device may be seized without a warrant if the authorized possessor of the device is serving a term of parole or post release community supervision, or is subject to an electronic device search as a clear and ambiguous condition of probation, mandatory supervision, or pretrial release. It also eliminates warrant requirement for obtaining the location or telephone numbers of devices used to make emergency 911 calls.

**PC §653x and 653y (amended):** Expands existing law prohibiting the use of electronic communication devices for the purpose of annoying or harassing an individual through the 911 system; and anyone who knowingly contacts the 911 system via electronic communication devices for any reason other than an emergency.
PC §16700 (amended): Specifies the definition of imitation firearm to include, but not limited to, a protective case for a cellular telephone that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm.

PC §25645 (amended) and 25140, 25452, & 25612 (add): Requires a person, when leaving a handgun in a vehicle, to secure the handgun by locking it in the trunk of the vehicle or locking it in a locked container and placing the container out of plain view.

PC §27880 (amended): Requires any handgun being loaned be registered to the person making the loan only be made to family members.

PC §30515 and 30900 (amended) and 30680 (add): Redefines what constitutes an assault weapon with regards to fixed and detachable magazines; adds exemptions from punishment if specified requirements are met; and adds registration deadline and requirements.

PC §32000 (amended): Expands existing law specifying peace officers, who have satisfactorily completed the POST prescribed firearms training course, shall be exempt from the state prohibition relating to the sale or purchase of an unsafe handgun.

PC §32310, 32400, 32405, 32410, 32425, 32430, 32435, and 32450 (amended) and 32406 (add): Prohibits the sale, gift, and loan of large-capacity magazines to make a violation an infraction commencing July 1, 2017; requires a person in lawful possession of such magazines prior to July 1, 2017, to dispose of the magazines; exempts individuals who honorably retired from being a sworn peace officer or federal law enforcement officer, who was authorized to carry a firearm in the course and scope of that officer’s duties.

HS §11350.5 and 11377.5 (add): Makes it a felony, to possession of gamma hydroxybutric acid (GHB), flunitrazepam (Rohypnol), or ketamine with the intent to commit a sexual assault.

HS §11357.5 and 11375.5 (amended) and 11375.7 (add) and PC §1000.5 (amended): Expands the definition of a synthetic stimulant and cannabinoids; provides the first offense of possession of such substances is punishable as an infraction; subsequent offenses are punishable as a misdemeanor.

HS §11358 (amended): Persons under 18 who cultivate or process any marijuana commit an infraction. Persons 18-21 who cultivate or process not more than 6 living plants commit an infraction. Persons 18 or older who cultivate or process more than 6 living plants commit a county-jail wobbler (felony requires specified prior convictions or environmental violations).

HS §11359 (amended): Possession for sale by anyone under 18 is an infraction; by anyone 18 and older is a county-jail wobbler (felony requires specified priors, sale to a minor, or a seller 21 or older hiring persons 20 or younger to help cultivate/process/transport/sell).

HS §11360 (amended): Transporting/selling/giving marijuana is an infraction if by a person under 18, and a county-jail wobbler if by someone 18 or older (felony requires either specified priors, furnishing to a minor, or quantity greater than 28.5 grams of marijuana or 4 grams of concentrated cannabis), except that anyone who transports or gives away not more than 28.5 grams of marijuana commits an infraction and must be released on citation with satisfactory ID and written promise to appear, and shall not be subject to booking.

HS §11362.1 (add): Persons 21 or older may possess, transport, purchase, obtain, or give away to someone 21 or older, not more than 28.5 grams of marijuana or 8 grams of concentrated cannabis (which are not subject to seizure), and may smoke marijuana inside private premises, and outdoors on residential grounds unless prohibited by local ordinance. Conduct allowable by this section cannot be the basis for detention, search or arrest.

HS §11362.2 (add): Persons 21 or older may cultivate not more than 6 plants at a time in, or upon the grounds of, their private residences, and must keep harvested marijuana in excess of 28.5 grams in the residence or a locked outdoor area not publicly visible.
**HS §11362.3 (add):** Marijuana may not be smoked or ingested in any public place, nor smoked in any place where tobacco smoking is prohibited. Smoking or ingesting marijuana is prohibited while driving. Open containers may not be possessed while driving or riding in the passenger seat. Most violations are infractions (H&S §11362.4).

**HS §11400 and 11401 (amended):** Expands the definition of control substance analog; makes it a crime to possess, sell, transport, or manufacture an analog of a synthetic cannabinoid compound, aka: “Spice”.

**VC §23123.5 (repeal and add):** Prohibits drivers from holding and operating a wireless telephone or an electronic wireless communications device while driving a motor vehicle for any reason other than for functions that require only the motion of a single swipe or tap of the driver’s finger, and only if the devices are actually mounted in some type of holder on the vehicle’s windshield or on the dashboard.

**VC §27360 (add):** Requires a parent, legal guardian, or driver of a motor vehicle to properly secure a child who is under 2 years of age in an appropriate rear-facing child passenger restraint system, unless the child weighs 40 or more pounds or is 40 or more inches in height.
Human Trafficking - First Responders

Human trafficking is a modern-day form of slavery whose perpetrators force, defraud, or coerce their victims into forced labor or commercial sexual exploitation. The U.S. is known as a destination country for transnational trafficking. There are approximately 800,000 annual trafficking victims worldwide. The average age of victims entering sex trafficking is 12-14 years old. Approximately 80% of victims are female, with 70% of those females trafficked into the commercial sex industry.

Human traffickers use violence, threats, lies, debt bondage, and other forms of coercion to compel adults and children to engage in forced labor or commercial sexual exploitation against their will. Under U.S. federal law, any minor under the age of 18 years induced into commercial sex is a victim of sex trafficking—regardless of whether or not the trafficker used force, fraud, or coercion.

The situations that sex trafficking victims face vary dramatically. Many victims become romantically involved with someone who then forces or manipulates them into prostitution. Others are lured in with false promises of a job, such as modeling or dancing. Some are forced to sell sex by their parents or other family members. They may be involved in a trafficking situation for a few days or weeks, or may remain in the same trafficking situation for years.

Victims of human trafficking can be U.S. citizens, foreign nationals, women, men, children, and LGBTQ individuals. Vulnerable populations are frequently targeted by traffickers, including runaway and homeless youth, as well as victims of domestic violence, sexual assault, war, or social discrimination. Sex trafficking occurs in a range of venues including fake massage businesses, via online ads or escort services, residential brothels, on the street, truck stops, or hotel/motels. Forced labor trafficking occurs in numerous industries in the U.S., commonly in homes as domestic servants, farmworkers coerced through violence as they harvest crops, factory workers held in inhumane conditions, construction work, restaurants, or beauty services.

Tips on Responding to Victims of Human Trafficking

- Look beneath the surface. The victim you have encountered, or suspect you are questioning, regarding a criminal offense, such as prostitution, may be a victim of human trafficking. Be aware that victims may have been drugged by traffickers and forced into addictions that will not disappear overnight.

- Keep in mind that any criminal acts committed by trafficked persons may have been committed as a result of force, fraud, or coercion. Undocumented persons, for example, may have come to the United States believing their traffickers’ fraudulent promises that they would be able to obtain legal documents once here. Or persons may have entered the United States legally but are now illegally present because traffickers withheld their documents and thereby allowed their visas to expire.

- Go slowly, be patient, and allow for more time in your interview of suspected trafficking victims who are immigrants. Expect victims’ statements to change as their trust of you develops.
• Respect a victim’s dignity in your interview. Never ask the question, “Are you a slave?” or “Why didn’t you just leave?” Such questions may be so humiliating that they elicit victims’ denial of the reality of their situation. Instead, ask questions like those provided earlier that concentrate on restrictions to the individual’s freedom and the ability to come and go as one pleases.

• Realize that victims will likely not see themselves as victims of a crime or know that their treatment by traffickers is against the law. They may instead see themselves as persons enduring temporary suffering and hardship for the sake of a better life in the future; or, they may even believe that their own actions brought about the traffickers’ abuse.

• Be alert to behavior of victims that is symptomatic of the “Stockholm Syndrome.” This syndrome is a psychological response sometimes exhibited by hostages. The hostage victims respond to their situation by the defense mechanism of identification with their captors. Victims can become emotionally and sympathetically attached to their captors and loyally defend them.

• Separate suspected victims from all other persons accompanying them before interviewing each victim individually. These other persons could be the traffickers posing as a victim’s spouse, family member, legitimate employer, or even coworker and fellow victim. Do not even interview persons whom you have confirmed to be victims in front of each other. Victims may not feel safe divulging information that puts them at risk in front of others, even when the others are victims themselves.

• Treat trafficking victims with the same level of professionalism and compassion as other victims of crime regardless of their immigration status or the situation in which you find them. Tell victims that you want them to be safe and protected from the people who hurt them. Let victims know that the U.S. Government can help them and may also be able to assist in the reunification of victims with their family members.

• Be cautious of anyone’s attempt to contact suspected victims even after they are in the “safe” custody of law enforcement. Traffickers sometimes hire attorneys to “represent” victims arrested for prostitution, or hire other agents from the victims’ ethnic community to intimidate them and influence their statements.

• Facilitate medical attention for victims. Explain to victims what their medical attention may involve while you transport them to a clinic or hospital, or while you wait with them in the emergency room. This may be the first medical examination the victims have ever had, so explain in reassuring terms the basic procedures they can expect (intake questions/medical history, physical examination for and treatment of injuries, collection and testing of blood and urine specimens, prescriptions for medicine).

• Understand that even after victims have been rescued from their traffickers, they generally are incapable of finding support services due to the isolation they suffered while in captivity. Connect victims as soon as possible with a local or national organization that offers assistance services, including advocacy and legal representation, to victims of trafficking.

As officers, we respond to and investigate many types of crimes and have to filter the truth from various sources. We become experts in figuring out the truth based on our experience, training and contacts. We do our best to help those in need, regardless if they are able to communicate those needs. The hardest part of our job is to help those who cannot help themselves. Victims of human trafficking fall into this category.

Resources:
• Vice Hotline 621-5950
• U.S. Department of Health and Human Services’ Trafficking Information and Referral Hotline 1–888–373–7888
• The Sanctuary 1-800-820-4968: trained HT counselors and bed space for 15-19 year old males and females.
• https://ovc.ncjrs.gov/humantrafficking/survivors.html

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Shoplifter Release Program

The purpose of this training bulletin is to introduce the Shoplifter Release Program which is designed to reduce the number of calls for service from high volume retail establishments. These establishments traditionally generate a high volume of calls for service for officers to respond to deal with petty theft suspects.

This reduction in calls for service is achieved by giving qualified Loss Prevention Officers (LPO) the proper training as well as access to the CopLogic online report system. This allows them to generate their own PC 484 reports and field release their suspects instead of generating calls for service.

In many instances, even if police officers are called to these locations, they will only be required to identify the suspect for the LPO and/or book the suspect on an unrelated active warrant. If the LPO is able to identify the suspect and the suspect is field releasable, no call for service is needed. A trained LPO will take care of any reports related to the PC 484 incident.

In all cases the LPO will no longer generate paper store reports. All LPO shoplift reports, whether the suspect is releasable or not, will be documented using the CopLogic online reporting system.

For in-custody shoplifts or petty thefts at all other retailers who are not part of the Shoplifter Release Program shall be handled as normal petty theft calls for service. For shoplifts with no suspect in custody or follow up leads the retailer will complete an online report on the public online crime reporting system.

An outline on the responding officer’s responsibilities can be found in the Appendix of the Procedure Manual.

REFERENCES:
Procedure 307 – Petty Theft
Procedure 354 – Shoplifter Release Program
Photographic Evidence

Photographs by Field or Investigative Personnel
The use of digital photography by field and investigations personnel is intended to document evidence in non-technical cases where the expertise of Crime Scene Investigation (CSI) personnel is not required. Evidentiary photography requiring special lighting or further scientific analysis should be handled by CSI personnel only. Procedure 805 provides specific guidelines for the types of cases that may be photographed by non-CSI personnel.

Camera/Tablet Settings and General Use
The camera/tablet should be set at the highest resolution capability and the flash setting (if applicable) should be on “automatic.” Photos should generally be taken with the camera/tablet at eye level and the camera/tablet should be kept as level as possible, using the settings recommended by CSI technicians.

Identification of Case
A case ID card is required for each series of photos. A photo of the case ID card must precede any subsequent evidentiary photos. The case ID card must include the following information and be written in bold ink:

a. Case number in large numbers in center of card;
b. Crime code or type of crime;
c. Date and time;
d. Camera number, or tablet type, i.e. Galaxy Tablet; and
e. Name and badge number of the member taking photographs.

Photographing a Scene
Several overall cover photographs of the crime scene should be taken. They should provide a general overview of the entire scene, building, room, etc. These photos should orient the viewer as to what direction they are facing and the surrounding area. Scene photos should include street signs or address numbers on the exterior of a location and relation to vehicles or other evidence. If surveillance cameras are present, officers should photograph their locations and point of view. Perspective photographs from a witness’ point of view should also be considered.

Examples: Overall of the front of a house where a burglary occurred, a room where a domestic violence (DV) incident occurred, or the exterior of a vehicle in which a gun was discovered/concealed.

Photographing Objects and Vehicles
Photos should be taken of items so they may be recognized later, or in lieu of booking an item of evidence that so that it can be released. Vehicles should be photographed showing all four sides, and interior, if relevant. If the license plates are missing or wrong, the VIN should be photographed.

Photographing Specific Items of Evidence and Individuals
Several medium range cover photographs of any specific evidentiary items should be taken to show perspective within a scene and prior to being moved or collected, whenever possible. Items that were previously moved should not be placed back in to a scene or repositioned prior to being photographed (to prevent legal challenges). After the perspective photograph is taken, a closer photograph should be taken to specify which item the previous photograph was in reference to. These photos should also demonstrate the relationship between items of evidence or objects at the scene.

When photographing a person, full body photos of their front, back and both sides should be taken, as well as a facial photo, for ID purposes.

Examples: Tools left near a window where entry was made at a burglary, or a full body photo of a DV victim.
Close-Up and Injury Photographs
Prior to photographing the injury itself, identification photos must be taken of the subject’s face. An orientation photo should be taken of the body part that is injured (e.g. arm, back, foot), before taking a close up of the injury itself. The close-up photo should be taken to specify the injury and show sufficient detail. Close-up photos of evidence or injuries should be taken as close to a 90 degree angle as possible, and should be taken both with and without a ruler for scale, whenever possible. If a scale is not available, a common sized object, such as US currency will suffice. When taking close-up photos, stay approximately 12” away from the object/injury.

Examples: Latent print at point of entry for a burglary, the bruise pattern on a DV victim’s face showing the imprint of the belt buckle that struck her, the butt of a gun protruding from under the front seat of a vehicle, etc.

Storage of Digital Images
Digital images will be uploaded to the Digital Media Management System (DMMS) via RPW. Each camera/tablet will be issued with a USB cable for uploading photos directly into RPW/DMMS. Individual photos can be uploaded in seconds with the USB cable. Card readers will also be made available at District stations and special unit offices to facilitate uploading multiple photos at once. Refer to Procedure 805 for additional evidentiary requirements when uploading digital images.

Occasionally, attempts to upload digital images into the DMMS system fail, therefore, all uploaded images need to be verified by checking DMMS. If a DMMS icon does not appear on the desktop computer you are using, type photo.police.fresno into your web browser to access DMMS. When a photo upload fails, DMMS will display empty boxes containing a small red “X”. When this occurs, members will have to repeat the upload attempt and notify Information Tech (currently Errol Allard) so the failed upload can be cleared from DMMS.

Report Writing
Members taking photographs related to their own investigation should document the photos in their police report. When members assist other personnel by taking photos, the photos must be documented in a supplemental report. The report should cover details such as location and descriptions of items photographed, or identity of person photographed, when appropriate.

Supplemental Report Example: PHOTOGRAPHIC EVIDENCE: On the above date and time, I was dispatched to a confidential location to assist Officer Mary Smith. Upon arrival, I took photos of the adult female victim and the suspect, John Doe (DOB: 1-1-90). The photos of the victim will show bruising on her left shoulder and a bruise on her left forearm. The photos of the suspect will show scratches to the right side of his face and slight bruising to his upper arms. Refer to the original report for further information. All digital photos will be on file in the FPD RPW system.

Tablet issues can be directed to the Body Camera Unit.

RCTB 17-04 and Procedure §805 supersede any previously issued instructions for uploading and preserving digital photographs taken for evidentiary purposes.
Trauma scene wash downs performed by fire departments have been standard practice for many years throughout the country. The typical wash down usually consists of an amount of blood less than a pint. Some trauma scenes, however, have consisted of large amounts of trauma scene waste. A typical response for a wash down was to use a hose line, with or without the use of a bleach solution, to spray the blood and other materials into a storm drain.

The California Medical Waste Act was enacted in 2007. This legislation regulates the requirements for handling medical waste, including trauma scene waste. While this legislation does not regulate fire departments, public health officials agree that fire departments should follow the regulations for any trauma scene waste (other than small amounts of blood) found on scene. This type of trauma scene waste should be treated as human remains and transported to a medical waste facility for incineration. The use of a trauma scene waste management practitioner should be used in those instances where there is a large amount of blood or where human tissue remains on scene.

When a trauma scene requires more than a simple wash down, the responding company officer shall advise the police department to request a registered trauma scene waste management practitioner for proper cleanup.

If a request for a blood or body fluid wash down is determined to be on private property, FFD shall cordon off the area and the property owner/occupant advised of his/her responsibility for safe cleanup. Environmental Health shall be notified and provide them details of the bio-hazard condition. Officers shall provide the property owner/occupant with a Trauma Scene Clean-Up tri-fold, which contains an explanation of the Medical Waste Management Act and a list of local Trauma Scene Waste Management Practitioners.

In the event, the property owner/responsible party is unable to be located, the FFD captain can call county health to determine clean-up that is needed and possibly obtain funds to grant a contractor to do the clean-up. In special circumstances FFD will engage a battalion chief to coordinate such efforts.

Comcen will maintain a current list of registered trauma scene waste management practitioners for more than a simple trauma scene wash down.
Emergency Vehicle Code-3 Operations

Policy & Procedure 316, Code 3 Response was updated in 2013 to require a Code 3 response to all “Priority 0” calls. Expanding the ability for officers to respond to a broader group of emergency calls in a “Code 3” manner is intended to increase the safety of officers, the motoring public and pedestrians, while remaining consistent with the provisions of the Vehicle Code. A recent review of responses to calls for service indicated some officers are still not driving Code 3 when required by policy, as indicated below:

Policy 316.3:

- (a) While in immediate pursuit (mandatory);
- (b) When directed by, or approval is received from, a supervisor or staff officer;
- (c) In response to an officer/firefighter/paramedic call for help (emergency situations only);
- (d) In response to ALL priority “0” calls for service (CFS);
- (e) In response to a life-threatening incident (non-crime related) where serious injury or death is potentially imminent or has been reported; or
- (f) In response to priority “1” CFS which are in-progress AND the suspect(s) are in the immediate vicinity and apprehension is likely.

Members should keep in mind the numerous benefits when driving Code 3; such as providing a clear warning to citizens, which not only clears traffic, but allows motorists to take preventative steps to avoid a collision. Since driving Code 3 requires motorists to yield to the right, a path is frequently created for officers, allowing them to get to calls faster and more safely. In addition, VC 21055 specifically provides immunity in related civil matters when an officer is driving Code 3. Although VC 21055 provides for exemption of emergency vehicles operating Code 3, VC 21056 DOES NOT relieve the driver of a Code 3 emergency vehicle from the duty to use due regard for the safety of all persons using the highway.

Important considerations regarding Code 3 driving include:

- Intersections being entered against the signal should be cleared one lane at a time;
- Passing on the right should be avoided except under circumstances ensuring it is a safe maneuver;
- Alertness for distracted drivers and pedestrians who are unaware of your approach, despite your lights and sirens;
- Awareness that drivers ahead of you may not hear your siren on the approach, and may make abrupt and panicked driving maneuvers at the last second, so drive accordingly;
- Limiting your speed. Even though officers are exempt under certain Vehicle Code laws, officers still must comply with the laws of physics.

Please consider your increased authorization for Code 3 response as an opportunity to safely arrive a few minutes sooner on emergency calls; when minutes count.
Fentany, a Schedule II narcotic, is a powerful and dangerous synthetic opiate painkiller. It is similar to morphine, but 50 times more potent than heroin. The dosage of fentanyl is a microgram, one millionth of a gram – similar to just a few granules of table salt. Fentanyl can be lethal and is deadly at very low doses. It is sometimes mixed with heroin to increase the heroin’s potency and effect. It is extremely dangerous to law enforcement and anyone else who may come into contact with it. If encountered, there is a significant risk to the health and safety of officers and the general public.

Risks to Law Enforcement
Fentanyl is not only dangerous for drug’s users, but for law enforcement personnel who could unknowingly come into contact with it in its different forms, i.e. powder, blotter paper, tablets or spray. It is not immediately recognizable and is known to give false positive results for heroin or cocaine. Exposure to fentanyl may be fatal as it depresses the central nervous system and respiratory functions. The onset of adverse health effects, such as disorientation, coughing, sedation, respiratory distress or cardiac arrest is very rapid and profound, usually occurring within minutes of exposure.

Canine units are particularly at risk of immediate death from inhaling fentanyl.

In August 2015, two New Jersey detectives inhaled small amounts of fentanyl when they opened a bag of white powder to perform a drug test in the field. One detective described his body was “shutting down” and thought he was dying.

In September 2016, during a SWAT raid in which a flash-bang grenade was thrown in a residence, powdered fentanyl and heroin became airborne and resulted in the exposure of eleven SWAT officers. All eleven officers were taken to a hospital to be treated for their exposure to the deadly opioid.

In May 2017, an Ohio officer assisted in searching a vehicle where suspected drugs were found scattered. The officer patted down the driver of the vehicle who was covered in a white powdery substance. The officer did not wear gloves. The officer had some powder on his shirt and brushed at it with his hand to wipe it off. He then started to talk incoherently and felt his body was shutting down and could hear people talking but was unable to respond as he fell to the floor. He was taken to a hospital where four doses of Narcan had to be administered to completely revive him.

Safety Considerations
Officers should consider the following:

- Field testing of exhibits suspected to be or suspected to contain fentanyl should be discontinued.
- Officers should wear protective gloves while in the performance of searching where illicit drugs may be encountered.
- Due to the possibility of inhalation, some type of protective covering for the nose and mouth should also be used.
- Any exhibit believed to contain any quantity of fentanyl should be double-bagged and appropriately marked to show the believed contents.
- Canines should not be deployed in any situation where fentanyl is suspected and should be used cautiously in other situations involving illegal drugs. Handlers should monitor canines for a period of time after deployment to determine any unusual behavior which may indicate exposure.
Ford Explorer Carbon Monoxide (CO) Emissions

In July of 2017, the Ford Explorer vehicle made national news as elevated carbon monoxide (CO) emissions in some vehicles was linked to traffic collisions resulting in injuries. CO is an odorless, tasteless gas that in high enough concentrations can cause serious illness and even death.

During that same month, a Fresno Police Department Ford Explorer was reported to have similar elevated CO emissions. This vehicle was immediately taken out of service for mechanics to inspect the vehicle. Using technical data from Ford, it was discovered that a rear-seal in the vehicle frame was missing. This vehicle was then retested for CO levels and sent back to Ford for an extensive inspection and testing.

To ensure the safety of our Ford Explorer vehicles, the Fresno Police Department and City of Fresno Fleet Division have undertaken several steps that will test, improve pre-service inspections and constantly monitor the CO levels in our Ford Explorer vehicles. These include the following:

1. CO testing equipment was purchased by Fresno PD and is being utilized by Fleet Division mechanics to measure CO emissions in every Ford Explorer vehicle. Vehicles are tested under idle and at operating conditions (heavy acceleration) at the EVOC track of the RTC;
2. Pre-service procedures for all Explorer vehicles were improved to include CO testing on vehicle delivery as well as after upfitting of law enforcement equipment, as well as extensive seal inspections;
3. Vehicles that exceed OSHA CO levels after testing are returned to the Ford factory for engineers to inspect and corrections to be made;
4. Hard-wired CO monitors capable of detecting elevated CO beyond OSHA-recommended levels are being installed in all Explorers. This includes the K9 vehicles where the CO monitor is incorporated into the “heat alert” systems;
5. CO retesting will occur for all Ford Explorers when scheduled maintenance or repairs occur.

The installed CO monitor has three lights and an audible alarm. A green light with no alarm means that the unit is operating normally and no elevated CO levels are detected. A red light that pulses with the sound of the alarm (four rapid alarms every five seconds) means elevated CO levels exist. An amber light with one alarm sound every 45 seconds means there is a mechanical issue with the CO Monitor. Vehicles with either red lights or amber lights showing on the CO monitor that will not go off, or where the audible alarm is sounding, should be tagged for service immediately and not operated.

**If the CO monitor’s alarm sounds and red light is blinking while operating the Ford Explorer**, stay calm, stop the vehicle and roll down the windows. This will reduce CO levels in the interior. Check the rear hatch seal for any items such as straps or equipment in the seal that allow CO to come in. This is a common and avoidable way of increasing interior CO levels in Ford Explorers. Finally, have the vehicle tagged and do not operate until Fleet can inspect the vehicle.
On September 1, 2017, the Fresno Police Department will implement the Crisis Intervention Team (CIT) to respond to calls for service involving non-violent subjects in crisis and those individuals suffering from mental illness.

The mission of the CIT program is to provide a high level of public safety and coordinated mental health services for people in crisis. The CIT Unit strives to decrease the number of crisis-related calls for service by acting as an entry point into mental health treatment, diverting those persons in need of treatment from the criminal justice system, and through proactive contact with frequent system users by utilizing effective case management.

To accomplish this, the CIT Team will combine Fresno County Behavioral Health licensed clinicians (MH-1 and MH-2) with Fresno County case managers with Fresno Police Department officers. The CIT Unit will respond to, and relieve patrol officers from, mental health related calls for service. The CIT Unit will be able to evaluate and place 5150 holds on individuals and to transport non-violent 5150’s to designated treatment facilities. In addition, the CIT Team will respond to CFS that have a mental health component as well as work with families as a resource to facilitate voluntary commitments for evaluations.

The CIT Unit will utilize effective de-escalation techniques to reduce potentially violent confrontations and reduce repeat calls for service and emergency room visits of mentally ill individuals that can be better addressed through available mental health services. In addition, an effective CIT Unit response will work toward long-term resolutions for people in crisis through a coordinated and comprehensive system-wide approach. The result will be more effective mental health services being provided and facilitate the efficient return of police patrol units to patrol activities.

Patrol officers can access CIT Units by requesting a CIT officer (8 Baker Unit) by radio Monday-Friday, 0800-2200 hrs. 8B Units will also be dispatched as primary units to CFS where mental health is the primary reason for the 9-1-1 call. CIT members may also be contacted on their Department phones as follows:

8B10 Sgt. Robert Dewey (Cell) 250-0345
8B11 Off. Steve Taylor (Cell) 260-6955
8B12 Off. Pete Ressler (Cell) 248-6776
8B13 Off. Bryan Analla (Cell) 260-6818
8B14 Off. Robert Valdes (Cell) 250-1327
UNLAWFUL CAMPING - FMC §10-1702

In August, the Fresno City Council passed a new municipal ordinance to make camping in public or on private land unlawful. As of 0001 hours on September 29th, 2017, City of Fresno Municipal Code (FMC) §10-1702 states that:

(a) It is unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia in the following areas:
   1) Any public property; or
   2) Any private property.
(b) It is unlawful and a public nuisance for any person to wash one’s body or belongings in a fountain.
(c) It is unlawful and a public nuisance to urinate or defecate in public, as per §9-2512 of this code.

Under FMC §10-1701(a) “Camp” means to utilize camp facilities and/or paraphernalia, including but not limited to lying down of bedding for the purpose of temporarily or permanently sleeping or living at that location. An activity shall constitute camping when it reasonably appears, in light of all the circumstances, the participants in conducting these activities are in fact using the area as a sleeping or living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

FMC §10-1701(b) states “Camp facilities” include, but are not limited to, tents, huts, lean-to’s, tarps, cardboard boxes or structures, vehicles, vehicle camping outfits, or temporary shelter. FMC §10-1701(c) defines “Camp paraphernalia” to include, but is not limited to, materials intended to be used as beds or bedding, blankets, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.

This section does not prohibit overnight camping on private residential property by friends or family of the property owner, so long as the owner consents and the overnight camping is limited to not more than one consecutive night. This ordinance does not prohibit or make unlawful the mere possession of or transportation of camp facilities or camp paraphernalia on public or private property, unless except as provided in this article.

A violation of this article is a misdemeanor, and upon conviction, confinement of up to six months in jail and/or fines of up to $1,000 per violation, or as set forth in the Master Fee Schedule, plus payment for the City’s actual costs of transporting and storing property of the violator.

An individual charged with violation of this article, in lieu of being taken to jail may, at the election of the citing police officer and with the consent of the individual, be taken to a facility providing social services related to mental health, housing, and/or substance abuse treatment. Our primary goal will be to offer services to homeless subjects in need, as listed below. While it's understood that many will refuse services offered, the secondary goal will be to make sure that
encampments are not forming and that the homeless are treated with care and respect as they are required to move off of sidewalks, off of private property, and out of alley right-of-ways. Finally, if subjects refuse these first two options, and a criminal violation is present, to include the City's new camping ordinance, officers may have to make a physical arrest, and transport the offender to the Fresno County Jail. **Making an arrest for the new ordinance will be a last resort, once all efforts to gain compliance have failed.**

**SOCIAL SERVICE RESOURCES**

**Multi Agency Access Point (MAP) (559)512-6777** - Officers can provide this number to anyone they encounter that is in need of social services. Housing, chemical dependence and mental illness connections can all be made through this one stop shop. The main hub is currently located on the campus of the Poverello House at 412 F St.

**Homeless Engagement Resource Outreach (HERO) Team (559) 241-8753 Ext. 21233** - This is a mobile outreach team that can respond to locations for officers and citizens to begin the outreach engagement of subjects that are experiencing homelessness. They can provide transportation and other resources in the field.

**Fresno Rescue Mission, Community Care (559) 444-0451** - The Fresno Rescue Mission is open 24 hrs. a day, 7 days a week for anyone needing emergency shelter and wrap around care. They are also a partner with the Fresno Police Department and will be assisting with the homeless that are encountered by the officers and who are found to be in violation of the new municipal code. Should the subjects choose to accept help; the FRM will be available to respond to assist with the transportation of the subject and their property.
A public agency employing peace officers that adopts and disseminates a written policy on, and provides regular and periodic training on an annual basis for, vehicular pursuits is immune from liability for civil damages for personal injury to or death of any person or damage to property resulting from the collision of a vehicle being operated by an actual or suspected violator of the law who is being pursued in a motor vehicle by a peace officer employed by the public entity.

This RCTB is being distributed to comply with required annual training related to vehicle pursuits. Officers should keep in mind that pursuits of suspected or known violators of the law expose the public, law enforcement officers and fleeing violators to serious injury or death. The primary purpose of this policy is to provide officers guidance in balancing the safety of the public and themselves against law enforcement’s duty to apprehend violators of the law. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

When to Initiate a Pursuit

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle. The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

(a) Seriousness of the known or reasonably suspected crime and its relationship to community safety;
(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others;
(c) Apparent nature of the fleeing suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety);
(d) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time;
(e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors;
(f) Pursuing officer(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit;
(g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect;
(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit;
(i) Vehicle speeds;
(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages);
(k) Availability of other resources such as air support; and
(l) The police unit is carrying passengers other than police officers. Pursuits shall not be undertaken with a prisoner(s) in the police vehicle.

Pursuit Units

Pursuit units should be limited to three vehicles (two units and a supervisor); however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would
insufficient to safely arrest the suspect(s). All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

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

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

Supervisor Control & Responsibility

It is the policy of this Department that available supervisory and management control will be exercised over all motor vehicle pursuits involving officers from this Department. The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

(a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established Department guidelines;
(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision;
(c) Exercising management and control of the pursuit even if not engaged in it;
(d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy;
(e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy;
(f) Ensuring that aircraft are requested if available;
(g) Ensuring that the proper radio channel is being used;
(h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency;
(i) Control and manage FPD units when a pursuit enters another jurisdiction;
(j) Respond to the termination point of all pursuits; and
(k) Preparing post-pursuit critique and analysis of the pursuit to be forwarded via BlueTeam to the Pursuit Review Officer.

Pursuit Driving Tactics

The decision to use or not use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

(l) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle;
(m) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event the pursued vehicle does so, the following tactics should be considered:
1. Requesting assistance from an air unit;
2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway; and
3. Requesting other units to observe exits available to the suspect(s).

(m1) Notifying the California Highway Patrol and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction; and

(mii) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or requested to do so by the primary unit.
Pursuit Intervention

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

Speed Limits

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

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

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

Aircraft Assistance

When available, air support should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of air support when determining whether to continue the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit, but should not be relied upon to do so.

When To Terminate A Pursuit

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

The factors listed in Policy Manual §314.2.1 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s). When instructed to terminate, all units shall comply by immediately turning off their lights and siren and driving in compliance with all VC provisions.

In addition to the factors listed in Policy Manual §314.2.1 the following factors should also be considered in deciding whether to terminate a pursuit:

(a) Distance between the pursuing officers and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance;
(b) Pursued vehicle's location is no longer definitely known;
(c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive;
(d) Extended pursuits violators for traffic violations or misdemeanors not involving violence or risk of serious harm (independent of the pursuit) or known / suspected grand theft are discouraged;
(e) Hazards to uninvolved bystanders or motorists;
(f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time; and
(g) Directed by a supervisor.
Capture of Suspects

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

Inter-Jurisdictional Considerations

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

Radio communications will be conducted on the initiating agency's primary radio channel unless instructed otherwise by a supervisor or communications dispatcher. All pursuit radio traffic should be transferred to the FCSD communications center for dispatching purposes when all of the following conditions are present:

(a) The pursuing police department has communication capabilities with the FCSD. Agencies capable of communicating with FCSD include, but are not limited to, the following police departments: Coalinga, Firebaugh, Fowler, Huron, Kerman, Kingsburg, Mendota, Parlier, Reedley, Sanger, and Selma; and

(b) The pursuit leaves the pursuing agency's city limits and enters into an unincorporated area of Fresno County.

If the initiating agency has the ability and elects to have its involved unit(s) conduct all radio communications on the FCSD frequency, the initiating agency shall maintain control of the pursuit and its units. FCSD shall have no control or responsibility over the involved unit(s) from the initiating agency unless and until the initiating agency expressly relinquishes control of the pursuit to the FCSD.

Units from this Department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this Department may join the pursuit until sufficient units from the initiating agency join the pursuit.

The role and responsibilities of officers at the termination of a pursuit initiated by this Department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit. The agency initiating the pursuit should assume responsibility for handling the prosecution of the violation for which the pursuit was initiated. When non-traffic violations have occurred subsequent to the pursuit being relinquished to another agency, the agency that has assumed the pursuit and witnessed these violations will be responsible for their prosecution.

Reporting & Post-Pursuit Analysis

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 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.

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.

Reference: Policy §314- Vehicle Pursuit Policy
Fresno Police Department

Roll Call Training Bulletin

Bulletin #17-12  November 21, 2017  JERRY DYER
Chief of Police

FPD Vehicle Evidence Impound Protocol

The purpose of this training bulletin is to establish new protocol when impounding a vehicle for evidence. For many years, it has been past practice to impound a vehicle for evidence when the vehicle was determined to be involved in a crime and allow the tow company to transport the vehicle unattended. Because we need to maintain our chain of custody with all evidentiary items, vehicles can no longer be towed unattended. When an officer or investigator determines a vehicle is evidence or contains evidence, he/she should consider the following:

A) The ability to process the vehicle for evidence at the scene and release the vehicle;
B) The need for inside storage for a more intrusive examination, i.e. bullet extraction, etc.;
C) The need to process the vehicle inside due to foul weather preclude vehicle processing at the scene; and
D) The vehicle will require a mechanical or VIN inspection.

Evidence tows shall be approved by the assigned/on-scene investigative unit or the member’s supervisor. If it is determined that a vehicle will be impounded for evidence, an FPD member shall follow the vehicle from the scene to the tow yard. When the vehicle is placed into the holding bay, the officer shall place a strip of Evidence Tape over all access points to the vehicle’s interior or cargo areas (e.g. doors, trunk, hood, camper shell window/hatch, etc.). The tape shall be placed in such a manner that would break the seal should someone open the door, trunk, or hood. After placing the evidence tape on the vehicle entry points, the officer shall initial and date the tape to ensure the chain of custody. The evidence tape will be stored at the tow facility. Prior to leaving the tow facility, the officer or detective shall complete tow sheet and forward the vehicle impound information to Teletype. This will ensure accuracy with vehicle and evidence tracking.

Misdemeanor Hit & Run vehicles shall not be towed as evidence. Officers should take photos or utilize the body worn camera to document damage. Vehicles should be released to the registered owner or towed under the Community Care Doctrine.

Investigators should understand these vehicles are placed into a holding bay at the tow facility with limited capacity. The assigned investigator shall go to the tow facility within 24 hours and have the vehicle processed and retrieve any evidentiary items. Failure to do so will result in a backlog of vehicles in the holding bay.

Generally speaking, once evidence has been collected, the vehicle serves no purpose. Investigators should consider releasing the vehicle once processing is complete and evidentiary items have been collected.

Understanding that the release of a vehicle shall be considered on a case specific/case by case basis, it is the investigators responsibility to determine if and when the release shall take place.
Curfew Centers

In an effort to reduce the number of minors being victimized or committing criminal acts at night, the Department will periodically staff a curfew center in the city. Non-emancipated minors may be arrested for violating curfew under Fresno Municipal Code (FMC) §9-2508 and Welfare & Institution Code §625.5(c).

FMC §9-2508 states: “No person under the age of eighteen years shall loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and eating places, vacant lots or any unsupervised place between the hours of 10:00 p.m. and 5:00 a.m. of the following day. The provisions of this section do not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, or when the minor is upon an emergency errand directed by his or her parent, guardian or other adult person having the care and custody of the minor, or when the minor is returning directly home from a meeting, entertainment, recreational activity or dance.”

W&I 625.5(c) states: “Except as provided in subdivision (d), law enforcement personnel are authorized to temporarily detain any minor upon a reasonable suspicion based on articulable facts that the minor is in violation of the ordinance described in subdivision (b) and to transport that minor to his or her place of permanent or temporary residence within the state, whether the place of residence is located within or without the jurisdiction of the governing body, or to the custody of his or her parents or legal guardian. A law enforcement officer may decide not to temporarily detain and transport a minor if he or she determines that the minor has a legitimate reason based on extenuating circumstances for violating the ordinance.”

Officers may take juveniles to the curfew center until a parent or guardian responds to take custody of them. The curfew center will be staffed by officers who will monitor the juveniles. The temporary custody of juveniles is outlined in Procedure §324, but the following are special considerations governed by Federal and State laws.

Juvenile Status Offenders
Unless there is another criminal violation, the violation of the curfew statute is a status offense only. Status offenders shall not be held in secure detention (42 USC §5633). They may only be held in non-secure detention.

Non-Secure Detention
Non-secure detention means juveniles shall be placed in an unlocked room or open area. Juveniles may be handcuffed, but not to a stationary or secure object. Juveniles shall receive constant personal visual supervision by law enforcement personnel. Monitoring a juvenile using audio, video or other electronic device does not replace constant personal visual supervision. The non-secure detention log shall be completed for every juvenile.

Advisements
Officers shall take immediate steps to notify the juvenile’s parent, guardian or a responsible relative that the juvenile is in custody, the location where the juvenile is being held and the intended disposition (Welfare and Institutions Code §627). Whenever a juvenile is taken into temporary custody, he/she shall be given the Miranda Rights advisement regardless of whether questioning is intended (WIC §625).
Anytime a juvenile offender is placed in non-secure detention, he/she shall be informed of the purpose of the detention, the length of time the detention is expected to last and of the maximum six-hour limitation (WIC §207.1(d)).

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

**Temporary Custody Requirements**

Juveniles held in temporary custody shall have the following made available to them (15 CCR §1143):

- Access to toilets and washing facilities;
- One snack upon request during term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. The snack shall be provided by the arresting officer or as directed by a supervisor; and
- Access to drinking water.

**Reports**

The arresting officer shall pull a case, titled the report as FMC §9-2508 and document:

- The reason and location of the contact, refer to FMC §9-2508 and W&I §625.5(c);
- The juvenile was advised of their rights- Miranda and phones calls;
- The name and contact information of the person taking custody of the juvenile; and
- Complete a JAR for all juveniles with the final disposition of the juvenile (Reprimanded and Released, CPS, Sanctuary, Returned home by officer, etc.).

Reference: Procedure §324.
Fentanyl Safety Recommendations

The increased prevalence of fentanyl and other synthetic opioids in the illicit drug market means that members need to understand how to protect themselves from exposure in the field. Members must balance safety with mobility and efficiency when responding to scenes where the presence of fentanyl is suspected.

The Fentanyl Safety Recommendations for First Responders provides unified, scientific, evidence-based recommendations to first responders so they can protect themselves when the presence of fentanyl is suspected during the course of their daily activities such as responding to overdose calls and conducting traffic stops, arrests, and searches.

What you need to know:
- Fentanyl can be present in a variety of forms (e.g., powder, tablets, capsules, solutions, and rocks).
- Inhalation of airborne powder is MOST LIKELY to lead to harmful effects, but is less likely to occur than skin contact.
- Incidental skin contact may occur during daily activities but is not expected to lead to harmful effects if the contaminated skin is promptly washed off with water.
- Personal Protective Equipment (PPE) is effective in protecting you from exposure.
- Slow breathing or no breathing, drowsiness or unresponsiveness, and constricted or pinpoint pupils are the specific signs consistent with fentanyl intoxication.
- Naloxone is an effective medication that rapidly reverses the effects of fentanyl.

Safety Precautions
- Wear gloves when the presence of fentanyl is suspected.
- AVOID actions that may cause powder to become airborne.
- If members suspect the narcotics may contain Fentanyl, they shall notify the on-duty supervisor. The supervisor shall contact the SIB supervisor, who will assess the situation and determine the appropriate response.
- Members shall not conduct preliminary screening tests (e.g., NIK test) on any drugs.

When exposure occurs:
- Prevent further contamination and notify other first responders and dispatch.
- Do not touch your eyes, mouth, nose or any skin after touching any potentially contaminated surface.
- Wash skin thoroughly with cool water, and soap if available. Do NOT use hand sanitizers as they may enhance absorption.
- Wash your hands thoroughly after the incident and before eating, drinking, smoking, or using the restroom.
- If you suspect your clothing, shoes, and PPE may be contaminated, follow Department guidelines for decontamination.

Symptoms
- Slow breathing or no breathing.
- Drowsiness or unresponsiveness.
- Constricted or pinpoint pupils.
First Aid

- Move away from the source of the exposure and call for EMS.
- Administer naloxone if available. Multiple doses may be required.
- If naloxone is not available. Rescue breathing can be a lifesaving measure until EMS arrives. Utilize universal precautions to protect against blood borne pathogens and other communicable diseases.
- If needed, initiate CPR.

References:
Policy & Procedure §361 - Administration of Naloxone
RCTB 17-07 Fentanyl
Fentanyl Safety Recommendations for First Responders:
https://www.whitehouse.gov/sites/whitehouse.gov/files/images/Final%20STANDARD%20size%20of%20Fentanyl%20Safety%20Recommendations%20for%20First%20Responders.pdf
DEA Briefing Guide for First Responders
https://www.dea.gov/druginfo/Fentanyl_BriefingGuideforFirstResponders_June2017.pdf
2018 Legislative Update

This RCTB contains some of the new and amended codes that became effective January 1, 2018. The information concerning the new and amended codes was obtained from the California Peace Officers’ Association 2018 Legislative Update Digest. This RCTB is not a complete list of all legislative changes and additions for 2018, but primarily those that may impact officers during the performance of their duties.

PC §189.1 (Added): Knowing, premeditated murder of a peace officer engaged in the performance of official duties is murder of the first degree, “for all purposes.”

PC §308 (Amended): Minimum age for lawful sale of tobacco and paraphernalia is raised from 18 to 21 (except for active-duty military who are at least 18).

PC §518: (Amended): Extortion by adults now also includes wrongfully obtaining sexual conduct or intimate images. (Also applies to §§520, 523 and 524.)

PC §602.1 (Amended): Interfering with lawful business at a public agency by making a false statement of law to other patrons, and refusing to leave, is a $400 infraction.

PC §626.9 (Amended): Eliminates the authority of school officials to permit possession of firearms in school zones.

PC §§633.5/ 633.6 (Amended): One party may record a confidential communication from another as evidence in a domestic violence case, and may also record a call in a DV case in support of a petition for a DV restraining order.

PC §667.95 (Added): It is a factor in aggravation of §667.5(c) sentencing that the defendant willfully recorded video of the crime with the intent to encourage or facilitate its commission.

PC §679.015 (Added): A victim or witness to a crime may not be detained by police for suspected immigration violations, or turned over to ICE without a judicial warrant.

PC §679.04(b)(4) (Amended): Requires a law enforcement authority or district attorney to notify the victim of sexual assault that he or she has the right to request to have a person of the same gender or opposite gender as the victim of sexual assault present in the room during any interview with a law enforcement official or district attorney, unless no such person is reasonably available.

PC §680(e)(2) (Amended): Rape kits for unsolved crimes must be kept at least 20 years (adult victim), or until a minor victim’s 40th birthday.

PC §680.2 (Amended): On first contact, police/medical providers must provide sexual assault victims with a card explaining victims’ rights, comprehensible to fifth graders, in all major languages (police must supply cards to medical providers). Upon victim’s written request, prosecutors must provide sex-offender registry information on the defendant-registrant.

PC §849(b)(5) (Amended): An additional reason for police release of an arrestee is that the person was taken to a substance-abuse or mental-disorder evaluation facility. (Eff. 10-07-17.)

PC §1524(a)(18) (Amended): A warrant may be issued to search for evidence of a violation of PC §647(j) (peephole voyeurism).
PC §1546.2 (Amended): The notice-to-subscriber that is normally required after law enforcement accesses electronic information with a warrant or under an emergency is not required when officers make access to respond to an emergency 911 call from that device.

PC §25140(b) (Amended): Allows a peace officer when leaving a handgun in an unattended vehicle to lock the handgun in a center console.

PC §26400 (Amended): Prohibition against carrying long guns on the person is extended to a public place or a public street in a prohibited area of unincorporated county territory.

PC §§29800/29805 (Amended): Prohibition against possessing a firearm is extended to those who have outstanding felony warrants, or outstanding misdemeanor warrants for specified offenses.

Govt. Code §7284.6 (Added): With listed exceptions, law enforcement agencies may not use personnel or resources to assist in immigration enforcement, nor inquire into a person’s immigration status, nor detain a person on a hold request, nor use a federal translator’s services, nor transfer a person into federal custody without a judicial warrant, etc.

H&S §11357 (Amended): “Marijuana” is now denoted as “cannabis” (same change in multiple statutes). Quantity of concentrated cannabis that may be lawfully possessed (as permitted) is increased from not more than four grams to not more than eight grams.

H&S §11369 (Repealed): Former statute had required law enforcement to report to a federal immigration agency the arrest of a person for specified narcotics offenses, when there was reason to believe the person might not be a US citizen.

H&S §120290(a) (Amended): Makes it a misdemeanor to intentionally transmit any infectious or communicable disease.

W&I §210.6 (Added): “Mechanical restraints” (cuffs, shackles, straightjackets, etc.) may not be used on a juvenile during transportation to/from a secure-facility commitment, unless the probation officer and transporting authority determine, based on established procedures, that restraints of that kind are necessary to prevent physical harm, or that there is a substantial risk of flight. A court imposing physical restraints on a juvenile during court proceedings must make a similar finding, with the burden on the prosecution to show the necessity.

W&I §625.6 (Added): Prior to a custodial interrogation, and before the waiver of Miranda rights, a juvenile 15 years of age or younger “shall consult with legal counsel,” in person or by phone or video conference, except in cases where information is needed to protect life or property from an imminent threat. This consultation may not be waived. A court adjudicating the admissibility of such a juvenile’s statement made “during or after” a custodial interrogation “shall consider the effect of failure to comply” with this procedure.

VC §21456 (Amended): If a pedestrian-crossing signal shows a time-remaining countdown, pedestrians may enter and cross the roadway only if they can complete their crossing before time expires; if the signal does not include a countdown feature, pedestrians may not enter the roadway against a “wait,” “don’t walk” or “upraised hand” signal.

VC §22508.5(d) (Amended): If a parking space is regulated by a broken parking meter or by a payment center that cannot physically accept payment, no citation may be issued for failure to pay parking fees.

VC §23123.5 (Amended): Clarifies that “specialized mobile radio devices” (citizen band radio, amateur radio) and two-way messaging devices (“walkie talkies”, not push to talk cell phone) are not prohibited from use while driving.

VC §23220/23221 (Amended): Prohibits the smoking or ingestion of cannabis while driving or riding as a passenger in a motor vehicle (infraction).

VC §§23152(e); 23153(e) (Amended): Driver of a vehicle carrying passengers for hire may not have ≥.04% BAC (§23152(e)), or while driving with that BAC, violate a law, causing bodily injury to another (§ 23153(e)). (Eff. 7-1-18.)

VC §27318/27319 (Added): Requires a passenger or driver of a bus to be properly restrained by a safety belt, if the bus is equipped with one.
Hate Crimes

The Fresno Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. Policy and Procedure §338, Hate Crimes, 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.

Penal Code §422.55(a) defines a hate crime as either a violation of Penal Code §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;
(c) Nationality;
(d) Race or ethnicity;
(e) Religion;
(f) Sexual orientation; or
(g) Association with a person or group with one or more of these actual or perceived characteristics.

Penal Code §422.6(a) states, “No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in subdivision (a) of Section 422.55.”

Penal Code §422.6(b) states, “No person, whether or not acting under color of law, shall knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or by the Constitution or laws of the United States, in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in subdivision (a) of Section 422.55.”

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

When a member receives information of a suspected hate crime or hate incident, he/she 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. The investigating member shall notify his/her supervisor of the incident as soon as practical.

The investigating member will provide the victim(s) of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Brochures will also be available to members of the general public upon request.

Upon notification of a hate crime or incident, the field supervisor shall respond immediately to the scene where personal injury or major property damage has been sustained. In all other events, the supervisor will make a determination whether an immediate response is necessary. In all instances, the supervisor will notify the ComCen and the on-duty district or field commander of the situation. The responding field supervisor should review the contents of Procedure §338 to ensure the proper notifications, follow-up, and additional resources are committed to the investigation.
amount of money designed to punish that person and to deter future violations of these laws. The court also may issue a restraining order or other type of injunctive order to protect you from further harm, and may order the person who has harmed you to pay your attorney’s fees if you have hired an attorney.

What can you and your community do?
- Speak out against hate and intolerance
- Support the victims by holding community rallies and offering support and assistance to the victim.
- Encourage public officials to state their opposition to hate crimes.
- Establish a hate crime network that includes law enforcement, local government, schools, religious organizations and community-based organizations that immediately respond to a hate crime when it occurs and promotes prevention and awareness.

How To Obtain Assistance
If you have been the victim of a hate crime, the following resources may be of assistance to you:
- California Attorney General’s Office of Victims’ Services
  Telephone: (877) 433-9069
- State of California - Department of Fair Employment and Housing
  Telephone: 1-800-884-1684
  TTY: 1-800-700-2320
- California State Board of Control Victims of Violent Crime Unit
  Telephone: 1-800-777-9229
- Your local District Attorney’s Victim/Witness Program (County listing in the telephone book)
- The United States Attorney’s Office Victim/Witness Assistance Program in your district (Federal listing in the telephone book)
- United States Department of Justice, Community Relations Services (Federal listing in the telephone book)

For further information on this program and other crime prevention material, write to

Crime and Violence Prevention Center
California Attorney General’s Office
P.O. Box 944255
Sacramento, CA 94244-2550
www.safestate.org

This publication can be downloaded from www.safestate.org/publications

This publication is also available in: Arabic, Armenian, Chinese, Hindi, Korean, Punjabi, Spanish and Vietnamese
“Hate Crimes are among the most dehumanizing of crimes because the perpetrator views his or her victim as lacking full human worth due to his or her skin color, language, religion, sexual orientation, or disability. In addition, a hate crime impacts the entire group to which the victim belongs, spreading concern throughout the community.”

California Attorney General’s Office

Hate Crimes in California

In California, you can be a victim of a hate crime if you have been targeted because of your race or ethnicity, nationality, religion, gender, sexual orientation, physical or mental disability or your association with a person or group with one of more of these “real” or “perceived” characteristics.

It is important to be able to differentiate between hate incidents and hate crimes.

A hate incident is an action or behavior that is motivated by hate, but is protected by the First Amendment right to freedom of expression. Examples of hate incidents can include name calling, epithets, distribution of hate material in public places, and the display of offensive hate-motivated material on one’s property. The freedoms guaranteed by the U.S. Constitution, such as the freedom of speech, allow hateful rhetoric as long as it does not interfere with the civil rights of others. If this type of behavior escalates to threats being made or carried out against a person or property, then it would be classified as a hate crime.

A hate crime is a criminal act or attempted criminal act committed against a victim or his, her, or its property because the victim is, or is perceived to be a member of a protected class. (A victim can include an entity or group.)

Hate crimes should be reported to the proper authorities, such as your local police or sheriff’s department. If these hate crimes are not reported to law enforcement, the perpetrators will continue to act on their beliefs and will continue to pose a threat to society.

Hate Crime Victims

If you suspect you are a victim of a hate crime, you should:

- Call the police or sheriff’s department immediately.
- Obtain medical attention (if needed).
- Write down the exact words that were spoken and any other information that may be of value.
- Save any evidence (graffiti, egg shells, writing on victim’s vehicle). Do not remove any evidence. Wait until law enforcement officers respond and take photographs.
- Get the name(s), address(es), and telephone number(s) of other victims and witnesses.
- If possible, get a description of the perpetrator and perpetrator’s vehicle.
- Call community-based organizations in your area that respond to hate crimes.

Basic Clues

The following list indicates signs that a hate crime may have been committed:

- Perception of the victim or witness that he/she was selected by the perpetrator because of his or her membership in a protected class.
- Written or oral comments of the perpetrator that may indicate a bias.
- Date of incident coincides with a day that is of significance to the victim’s protected class.
- Differences between the race or religion, for example, of the victim and the perpetrator.
- Organized hate group activity in the area.

Services Available to Hate Crime Victims

- You have certain rights under the California Constitution’s Victim’s Bill of Rights. For example, you may be entitled to information about the prosecution of the perpetrator, and have the right to present a victim impact statement at the time of sentencing.
- You may be entitled to restitution for any loss, damage or injury that you may incur.
- You are also protected under the Ralph Act and the Bane Act. Under these laws, a court may award money to you. The court may require the person who has violated your rights to pay a civil penalty ($25,000) to you, money to compensate you for the actual harm you have suffered, and/or an additional
Domestic Violence Strangulation Cases

Senate Bill 40 was approved in September of 2017. This bill requires every law enforcement agency to develop, adopt, and implement written policies and standards for officers’ response to domestic violence calls. Each agency is required to develop a system for recording all domestic violence related calls for assistance, including whether weapons are involved, and whether the incident involved strangulation or suffocation. Our agency is required to compile the total number of domestic violence calls received and the number of those cases involving weapons or strangulation and report that information annually to the Governor, the legislature, and the public.

This bill additionally requires officers to provide a statement to victims of strangulation or suffocation that *strangulation may cause internal injuries and encourage the victim to seek medical attention*. As of January 1, 2018, when officers are investigating a domestic violence incident and there are indications of strangulation or suffocation, they must document in the disposition of their report that the advisement was provided to the victim and check the strangulation box in the Case Factors tab.

The Case Factors tab has been updated in the report writer system. You will find the new DV strangulation and DV suffocation check boxes in the Special Factors section of the case factors tab. Each officer will be responsible for checking these boxes when they apply. If the domestic violence case involves strangulation or suffocation and the check box is not checked, supervisors should reject the report.

Additionally, our Domestic Violence/ Sexual Assault Victim Information Form has been updated as of January 1, 2018. The new form will have an additional statement advising victims of strangulation or suffocation to seek medical attention. Please discontinue using the old forms once the revised forms are distributed to the districts. See revised Domestic Violence Information form attached below.
DOMESTIC VIOLENCE VICTIM INFORMATION FORM

Penal Code Section 13701 requires law enforcement agencies to supply in writing the information below to victims of domestic violence. Domestic violence or assault by a person who is known to the victim, including assault by a spouse, is a crime.

**Important Note:**
Despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time.

**If you have been a victim of strangulation we strongly encourage you to seek immediate medical attention at an emergency department and ask for support from an advocate. Strangulation may cause internal injuries, brain damage and/or delayed health consequences such as strokes, thyroid issues, miscarriage and/or death.**

For information about shelter and additional assistance and services contact:

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<thead>
<tr>
<th>Crime Victim Assistance Center</th>
<th>VINE</th>
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<tr>
<td>2233 Kern Street, Fresno, CA 93721 Provides court advocacy, counseling referrals, emergency aid, and application for Victims of Crime compensation funds. Office: 600-2822 Office Hours: Mon-Fri. 8 am-12 pm 1 pm - 5 pm</td>
<td>Victim Information and Notification Everyday Fresno County Jail Allows you to check on an offenders’ custody status and register to receive automatic notification when an inmate is released from the Fresno County jail system. 24-Hour Hotline: 1-800-491-5170</td>
</tr>
<tr>
<td><a href="http://www.co.fresno.us/cvac">www.co.fresno.us/cvac</a></td>
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If you wish to file a criminal complaint and the suspect has **NOT** been arrested, contact the Domestic Violence Unit at 621-2225. The Domestic Violence Unit hours are Monday-Friday, 8:00am-4:00pm. **Please wait 3 days before telephoning** to insure they have received a report of your case.

You have a right to have a domestic violence counselor and a support person of your choosing present at any follow-up interviews by law enforcement, prosecutors or defense attorneys. You also have specific rights under Marsy’s Law at: [www.ag.ca.gov/victimservices](http://www.ag.ca.gov/victimservices)

You have the right to request the officer to request an **Emergency Protective Order** for you and your family’s protection until you can seek court action described below.

**You have a right to appear in Superior Court and file a petition requesting any of the following orders for relief.**
1. An order restraining the attacker from abusing you and other family members.
2. An order directing the attacker to leave the household.
3. An order preventing the attacker from entering your residence, school, business, or place of employment.
4. An order directing that either or both parties participate in counseling.
5. An order awarding you or the other parent custody or visitation with a minor child or children.
6. An order restraining the attacker from molesting or interfering with a minor child or children in your custody.
7. An order directing the party not granted custody to pay support of the minor child or children if that party has a legal obligation.
8. An order directing the defendant to make specific debt payments coming due while the order is in effect.

You also have the right to file a civil suit for losses suffered as a result of the abuse, including: medical expenses, loss of earnings, and other expenses for injuries sustained, damage to property, plus any other related expenses incurred by you or any agency that shelters you.

**For help in filing a civil suit, contact one of the following agencies:**
1. Attorney Referral Service 264-0137
2. Central California Legal Services 570-1200
3. Centro La Familia 237-2961

California Penal Code 13701 Rev. 12/17
Major Change to Law

**Senate Bill 395: Custodial Interrogations of Juveniles 15 and Younger**

Existing law authorizes a peace officer to take a minor into temporary custody when that officer has reasonable cause to believe that the minor has committed a crime or violated an order of the juvenile court. Under these circumstances, existing law requires the peace officer to advise the minor that anything he or she says can be used against him or her, that he or she has the right to remain silent, that he or she has the right to have counsel present during any interrogation, and that he or she has the right to have counsel appointed if he or she is unable to afford counsel. These provisions of the law have not changed.

Senate Bill (SB) 395 now requires the following when any juvenile 15 and under is in custody, prior to interrogation:

- Any youth 15 years of age or younger who is taken into custody must consult with legal counsel in person, by telephone, or by video conference prior to a custodial interrogation and before waiving any of the above-specified rights.

- A waiver of the consultation with legal counsel is prohibited. The new law requires the court to consider the effect of failing to comply with the above listed requirement when determining the admissibility of statements in court.

- The above provisions do not apply when questioning is reasonably deemed necessary to protect life or property from imminent threat, as long as the questions are limited to those reasonably necessary to obtain necessary information.

The Fresno County Public Defender’s Office is responsible for providing legal representation for juvenile arrestees subject to the provisions of SB 395 within Fresno County. The Fresno County Public Defender’s Office has established a protocol to provide legal representation under SB 395 and has made at least two of their attorneys available 24 hours a day by cell phone.

In order to facilitate a consultation with a juvenile arrestee and a public defender, officers should contact the Duty Office, where a current list of “On Call Miranda Attorneys” will be maintained.

If an officer is unable to reach an attorney during court hours, they should call the main office at (559) 600-3546.

When a juvenile arrestee has a private attorney, officers will make efforts to arrange a consultation with their legal representative, when the juvenile is subject to SB 395.

The provisions of SB 395 will be adopted into the Welfare and institutions code under Section 625.6.
Recently, it has come to our attention that a member of the Public Defenders’ office reached out directly to one of our officers in an attempt to gather information regarding a pending criminal case. This bulletin is intended to provide direction on how situations like this should be handled.

The most common form of criminal prosecution you will become involved in is related to state charges arising from a Penal Code violation. State charges are generally prosecuted by the Fresno County District Attorney’s Office and any communication regarding a pending case should only occur with approval of their office or the assigned Deputy District Attorney (DDA).

Occasionally, officers will become involved in a federal prosecution case. Any communication regarding federal charges should only take place with the approval of the attorney assigned by the United States Department of Justice, generally an Assistant United States Attorney (AUSA).

In rare instances, officers might become involved in civil litigation against the City of Fresno or an individual officer. Any communication regarding civil cases should only take place with approval of the City Attorney’s Office (CAO). Occasionally, outside contract counsel will be appointed by the CAO. The CAO’s office should advise you when these circumstances occur, so that it is clear who the assigned contract counsel will be.

If you should ever receive telephonic or electronic communication from somebody claiming to represent the District Attorney’s Office, Department of Justice, City Attorney’s Office or other attorney regarding any civil litigation case, you should first confirm the person calling is indeed who they claim to be. This can be done by contacting the Court Liaison Office (CLO) and ascertaining the identity of the assigned Deputy DA, AUSA, Deputy City Attorney or contract counsel for your case. You can also verify the assigned attorney’s phone number through CLO before calling them directly.

In the rare instance you are contacted by the Public Defenders’ Office, other defense counsel or a plaintiff’s attorney, you should contact the assigned DDA, AUSA or CAO before providing any information.

Below are phone numbers provided to assist you with verification of assigned counsel:

Court Liaison Office – (559) 621-2700
District Attorney's Office – (559) 600-3141
City Attorney’s Office – 621-7500
AXON VIDEO LABELING AND SHARING

Recently, it was discovered that numerous AXON videos were not shared with the District Attorney’s Office when filing criminal charges. This bulletin is intended to remind personnel that all videos associated with a case must be submitted to the DA’s Office. When this is not done, it can cause a case to be dismissed, or a conviction to be overruled. Another local agency experienced this recently when video evidence was not submitted to the DA, and the conviction of a felony suspect was overturned even though the video was not relevant to the case. Members should understand the severity of consequences for failing to submit a video and take necessary steps to ensure this never happens to one of our cases. The following errors have been identified related to AXON video submission:

Field Officers:
Failing to Label Videos: One of the most prevalent problems is officers failing to label their videos at all. This creates videos with no ID or Category, and makes it very difficult to associate them with a particular case.

Mislabeling Videos: There have also been errors related to the mislabeling of videos. The proper case format should contain 8 digits with zeros used as placeholders (ex.18001234). NO dashes are allowed. Incorrect formats, such as 18-1234, 181234, and 1801234 have been used. These errors make it more difficult for detectives to locate all videos related to a case.

Using an Event Number: Occasionally, officers have erroneously used the event number instead of the case number as the ID. An event number shall only be used to label videos when there is no case number issued.

Late Uploads: There have been instances where the camera was not docked/uploaded until several days after the event. By the time the video was uploaded, the case had already been submitted to the DA’s office. This is a violation of Policy 450 and should never occur.

Interview room videos. The same case format must be used for interview room videos as body camera videos.

Detectives/PLO/Filing Officers:
Incomplete searches: It has been discovered that both properly formatted and improperly formatted videos are being missed by members assigned to submit cases to the D.A.’s Office. A suggested search is to use the numbers only (ex- 1234) to locate videos that may be been labeled improperly. When a formatting error is identified, it should be immediately corrected by updating the ID before adding it to the shared case. The officer making the formatting error should be notified. In situations of officers repeatedly making formatting errors, their supervisor should be made aware so corrective measures can be taken.

Follow up personnel are reminded they can search for videos using the officer’s name or date and time of the call. This is helpful when the video has no ID, or the event number was used instead of the case number.

There have also been instances of the DA’s office not receiving any of the videos associated with a case, although video clearly exists. Checking the audit trails of videos has revealed that some detectives never even accessed the related videos. This is clearly unacceptable.

The DA’s office needs to receive ALL videos associated with a case. Corrective action and/or discipline may occur for future failures to properly label and share videos as required. Your attention to these details is critical to the law enforcement mission and appreciated.
RESPONSE TO PERSONNEL COMPLAINTS

Penal Code 832.5 requires every California law enforcement agency to "establish a procedure to investigate complaints by members of the public against [the department’s] personnel" and to "make a written description of the procedure available to the public."

In 2016, the California Court of Appeals held that, where police departments establish policies and procedures to handle or to resolve citizen complaints, the department must follow and must comply with those policies and procedures.

How does this impact officers and sergeants in the field?

FPD Policy 1020.2.2, Complaints, reads (in part):

*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.*

Officers and other Department members made aware of alleged misconduct shall immediately notify a supervisor. This includes complaints made against the member him or herself.

When officers have contact with a citizen who alleges misconduct against them or another officer, whether the allegation is of a minor nature, such discourteousness, or serious misconduct, such as racial profiling or unreasonable force, the officer must advise a supervisor. This does not preclude the officer from attempting to answer questions and resolve the inquiry or complaint themselves before a supervisor arrives or becomes involved.

When a citizen expresses anger or displeasure at an officer’s actions, but does not outright indicate he or she wants to complain against an officer, the officer should inquire as to whether or not the individual wants to speak with a supervisor. If requested, a supervisor can then respond, discuss the matter with the individual and determine whether the incident should be handled as an inquiry, an informal complaint or a formal complaint.
Citing Vehicle Code § 14601.1(a) Vehicle Code § 12500(a) as Infractions

Recently, the Fresno County District Attorney’s Office decided to exercise its discretion under Penal Code § 19.8(a) and Penal Code § 17(d) as to violations of Vehicle Code § 14601.1(a) and Vehicle Code § 12500(a), and is directing Fresno County Law Enforcement to cite such violations as Infractions with a submittal of the citation directly to the Traffic Court.

This direction applies ONLY to traffic violations resulting in charges SOLELY for violations of Vehicle Code § 14601.1(a) or Vehicle Code § 12500(a).

In such cases, the offender should be cited for the offense as an infraction and given a notice to appear in the Traffic Division of the Fresno County Superior Court.

Please continue to charge and submit these offenses as misdemeanors for incidents where other misdemeanor or felony charges are also being requested (such as Vehicle Code § 23152, Vehicle Code § 2800.2, Penal Code § 191.5, etc.).

This exercise of discretion does not apply to the following driving on a suspended license violations;

- Vehicle Code § 14601(a) Driving on a Suspended/Revoked License; Reckless Driving
- Vehicle Code § 14601.2(a) Driving on a Suspended/Revoked License; Prior DUI
- Vehicle Code § 14601.3(a) Driving on a Suspended/Revoked License; Habitant Traffic Offender
- Vehicle Code § 14601.4(a) Driving on a Revoked License; Injury Accident
- Vehicle Code §14601.5(a) Driving on a Suspended/Revoked License; Refused Chemical Test

Please continue to cite/arrest and submit these offenses for prosecution as a misdemeanor.

Additionally, officers may cite/charge and submit violations of Vehicle Code § 14601.1(a) or Vehicle Code § 12500(a) for prosecution as a misdemeanor when there are unusual circumstances such that the officer feels that prosecution of the offense as a misdemeanor is warranted, or when the offender has multiple prior convictions for the same or similar offenses. Any report prepared for one of these violations should fully explain what unusual circumstance lead the officer to charge the violation as a misdemeanor.
Magnetic Resonance Imaging (MRI) Scanners

MRI's can be very dangerous. An Illinois police officer was investigating a burglary inside a medical office when an MRI scanner pulled the officer’s service weapon away, sticking it to the machine. As there is no way to quickly disable the magnetic force, the firearm remained immovable until the next day. A Jacksonville, Florida officer entered an MRI room and her gun was pulled to the machine, trapping her hand between the weapon and the device. The officer was able to free herself but the weapon remained plastered against the MRI machine for hours. An upstate New York police officer’s gun was promptly drawn to the imaging device and spontaneously discharged a bullet into a wall. Luckily, no one was hurt.

An MRI is cooled by high pressured cryogens (refrigerants housed around the electromagnet). THE MAGNET IS ALWAYS ON even when there are no patients being scanned or when the power is shut off. Therefore, first responders must NEVER enter an MRI unit with any metal on their persons as metal can be dangerous if exposed to the high magnetic field of these units.

The force of the field is greatest at the periphery of the magnet. This force increases as you move closer to the magnet. Turning off the power to the magnet does not shut it down. It can only be shut down by releasing liquid cooling gases called “a quench.” A quench is only executed in a life threatening situations.

Prisoners cannot wear traditional handcuffs inside the MRI room. Officers may secure the prisoner with flex cuffs. Officers with metal devices in their bodies (e.g. surgically implanted metal plates) should not enter the MR scanning room. In the event an arrestee must be accompanied into the MR scanning room, the officer should make arrangements for an assisting unit to respond, so that they may secure their firearm safely. Officers should always check with the MR technician about whether or not it is safe for them to enter the MRI scanning room prior to entry.

BOTTOM LINE: Metallic items inadvertently taken into an MRI room may result in injury or death!
The CARCOM application allows the transfer of files between the Real Time Crime Center (RTCC) and MDS units. Files originating from the RTCC can be distributed by District, Event, Unit or Officer.

CARCOM will primarily be used to distribute pictures of persons or vehicles of interest; however, other file types can also be transferred, including video clips or documents.

When the RTCC distributes a file, the MDS will give an audible alert and a small pop-up window will appear in the lower-left corner of the screen.

Click on the file title to open and view the file. Files will automatically disappear from your list once they reach the expiration set by the RTCC.

The UPLOAD TO RTCC button can be used for sending a file from the MDS to the RTCC. All transfers are logged.

Press the CLOSE button to make the CARCOM window disappear. To reopen the CARCOM window, press the CARCOM button on the Resources tab.
Hydrogen Sulfide Suicide - Hazardous to First Responders and the Public

It's Sunday morning at 0730 hours. You respond to a call to check the welfare of a person who appears asleep inside a vehicle. You locate the car in the empty parking lot of a business and see a person inside who appears to be asleep or unconscious. You walk up to the car and knock on the window. The individual does not respond and the doors are locked.

You make access and a rush of warm air comes out of the vehicle and you smell a sharp odor, possibly similar to rotten eggs. You may have just become a victim and been exposed to hydrogen sulfide, a possibly fatal gas. What started as a routine welfare check call has quickly arisen into a full-blown hazardous materials incident with a multijurisdictional response, and possibly your hospitalization.

Suicide by hydrogen sulfide poisoning is growing in popularity and can be accomplished by finding a recipe on the internet, often involving the combination of toilet bowl cleanser and a pesticide to create a high concentration of gas. The gas will then cause respiratory paralysis and death in less than six minutes.

Suicide via hydrogen sulfide poisoning is often attempted inside a closed vehicle, but can also be done inside any enclosed space, or with the assistance of breathing apparatus such as a respirator. Small amounts of the poison can be toxic and cling to the victim's clothes or fabric and escape from their lungs, even after the space appears ventilated.

Signs to look for indicating a possible hydrogen sulfide suicide:

- Some suicide victims will post signs or warnings for first responders. If these are present, contact FFD immediately before attempting rescue efforts.

- Survey the scene. Do you see anything unusual, such as a note on the window, containers inside the vehicle, taped vents, or signs of sealing a room, such as tape or plastic under closed doors or around windows?

- Is the victim wearing some type of respiration device? If so, removing the device and attempting rescue efforts on your own can expose you to the poison. Wait for FFD or other emergency personnel trained in hazardous materials handling.

- Are you or others suffering respiratory issues, such as coughing or difficulty breathing?

When you suspect that an incident involves a hydrogen sulfide suicide attempt, evacuate the immediate area and contact FFD immediately. A safe response to these types of incidents requires personal protection equipment possessed by fire personnel. Ventilation efforts should be conducted by FFD personnel to prevent exposure to officers and citizens within close proximity.
Surreptitious Recordings:

This Roll Call Training Bulletin is a reminder to all Department members of the restrictions on surreptitious recordings of others, to include Department personnel. Members are also reminded of Fresno Police Policy and Procedure § 450, Body Worn Video Cameras, § 451, Use of Audio/Video Recorders and California Penal Code § 632.

Fresno Police Procedure § 450, section M. Knowledge of Recording, which states in part:

- 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.

- 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.

- 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.

Department members are given wide legal permission to surreptitiously record interactions but they must be in the course and scope of a criminal investigation and never of another member.

Fresno Police Procedure § 451 permits members to use Department issued audio/video recording devices, but limits recordings for official law enforcement purpose only. Surreptitious recordings of conversation between members is specifically prohibited. This includes personal recordings of phone conversations. Only Department issued devices such as an Axon body camera or digital recorders should be used for official recordings.

Officers are encouraged to activate their Department issued 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 or pursuant to Procedure § 450. Officers are prohibited from utilizing Department issued audio recorders for personal use.

If a body camera user is actively recording, they are encouraged to announce to any Department member who approaches them of the active recording.

When off-duty, Department members should keep in mind Penal Code § 632, which 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. PC §633, expressly exempts law enforcement from this prohibition during the course of a criminal investigation.
Missing Under 21 and “At Risk” CLETS Entries

The California Law Enforcement Telecommunication System (CLETS) requires missing persons under 21 and “at risk” individuals to be entered into CLETS within two hours of notification by the reporting person. The countdown starts at the time the reporting person initiates the call. Our agency has failed to meet this requirement for the last two Department of Justice audits. A recent audit indicated that one entry was held for seven hours.

It is critical that missing persons under 21 and missing persons “at risk” CLETS entries be made within two hours of notification. This is not only for the safety of the individuals involved, but to make sure we are in compliance with CLETS regulations.

“At Risk” is defined by Penal Code 14215. (b) “…there is evidence of, or indications of, any of the following:

1) The person missing is the victim of a crime or foul play.
2) The person missing is in need of medical attention.
3) The person missing has no pattern of running away or disappearing.
4) The person missing may be the victim of parental abduction.
5) The person missing is mentally impaired, including cognitively impaired or developmentally disabled.

All officers, cadets and Teletype clerks must make these entries within the specified two hour requirement.

The CLETS teletype screen can be accessed by opening your report in RPW and selecting the name tab of the individual that is missing or at risk. Click the “Additional Forms” button to the right of the form. Select the “Missing Person” button and this form will appear.

The “Tele type” button to the right of the form will not be accessible unless one of the three check boxes under “Category” is checked. There might be situations where you may need to make an entry when you don’t think the missing person is actually at risk.

Example: A 22 year old still lives at home with their parents and has not returned home. You decide this is not an at risk situation, but the parents insist the entry be made. In this case, you would check the “At Risk” check box temporarily to enable the “Tele type” button to make your entry. Make sure to uncheck this box after you’ve submitted the Teletype entry. You must justify in the narrative why the individual is being entered as at risk when the “At Risk” check box is permanently marked.
Fresno Police Department

Roll Call Training Bulletin

Bulletin # 2018-14
DATE May 23, 2018
JERRY DYER Chief of Police

FIREARMS SAFETY

Recently, there have been several incidents involving unintended firearms discharges by Department members. Personnel should ALWAYS handle firearms with the utmost safety and consider every firearm loaded until they have personally verified the gun’s status. Practicing safe firearm handling procedures is common sense and required whether on or off the range. Sworn personnel should always practice basic firearm safety principles, including:

- ALWAYS KEEP THE MUZZLE POINTED IN A SAFE DIRECTION – never point your gun at anything you do not intend to shoot. This is particularly important when loading or unloading a firearm. In the event of an accidental discharge, injury is less likely when the muzzle is pointing in a safe direction.

- DO NOT RELY ON YOUR GUN’S “SAFETY” – treat every gun as though it can fire at any time. The safety or de-cocker serves as a supplement to proper gun handling but cannot serve as a substitute for common sense.

- LEARN THE MECHANICAL AND HANDLING CHARACTERISTICS OF THE FIREARM YOU ARE USING – the method of carrying and handling of firearms varies in accordance with the mechanical characteristics of each gun. Officers should be thoroughly familiar with Department issued firearms and any other firearms they may use. In addition to safe gun handling rules for loading, unloading, carrying and handling that firearm.

This RCTB serves as a reminder that complacency can set in as a result of frequent firearms handling. As such, officers must remain diligent and intentional about gun safety. In addition to Department provided training, it is the responsibility of each officer to maintain an adequate level of training and proficiency in firearm handling.

Officers are reminded of Procedure 312, which reads in part;

C. Safe Handling and Storage of Firearms

Officers 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 and consider the following:

- Officers will not display any firearm unless deadly force is authorized, for officer safety reasons, training, or at a Department range;
- Off-duty handguns shall be concealed;
- Officers shall only dry fire with an unloaded firearm and in a safe manner;
- Members shall treat all firearms as if loaded; and
- Weapons will not be carried by any officer who has consumed any amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer’s senses or judgment.
CALIFORNIA VALUES ACT - HIGHLIGHTS OF CALIFORNIA AND FEDERAL LAW

This training bulletin does not cover all aspects of the California Values Act and related sections from the Government Code, but instead highlights the issues most likely to affect law enforcement officers and supervisors.

**Government Code § 7284.6**
California law enforcement agencies shall not use agency or department resources to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes. This includes inquiring into an individual’s immigration status, detaining an individual on the basis of a hold request and participating in arrests based on civil immigration warrants.

**IMMIGRATION VIOLATION POLICY**

**Immigration Inquiries Prohibited:** Officers shall not inquire into an individual’s immigration status for immigration enforcement purposes (Government Code § 7284.6).

**Detentions:** An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

**Immigration Detainers:** No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

**Government Code § 7284.6**
As long as the specified limitations and all policies and laws are followed, agencies are not prohibited from responding to a request from immigration authorities for information about a specific person’s criminal history.

**8 USC § 1373**
With respect to information regarding the immigration status, lawful or unlawful, of any individual, law enforcement agencies may not prohibit or restrict members from:

- Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
- Maintaining such information.
- Exchanging such information with any other Federal, State, or local government entity.

**Government Code § 7282.5, § 7284.6**
California law enforcement agencies shall not use agency or department resources to provide information regarding a person’s release date or respond to requests for notification by providing release dates or other information unless that information is available to the public, or is in response to a notification request from immigration authorities in accordance with Section 7282.5. Responses are never required, but are permitted provided they do not violate any local law or policy.
Information Sharing: No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

- Sending information to, or requesting or receiving such information from federal immigration officials
- Maintaining such information in department records
- Exchanging such information with any other federal, state or local government entity
- Nothing in this policy restricts sharing information that is permissible under the California Values Act.

Federal Requests for Assistance: Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

Immigration Detainers: Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

- The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).
- The individual is identified by the U.S. Department of Homeland Security’s Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

Government Code § 7284.6
As long as the specified limitations and all policies and laws are followed, agencies are not prohibited from giving immigration authorities access to interview an individual in agency or department custody. All interview access shall comply with the TRUTH Act.

Government Code 7282.5
Officers/agencies cannot comply with federal immigration requests for transfer unless one or more of the following are met:

- The request is authorized by a judicial warrant or judicial probable cause determination.
- The individual has been convicted of a federal crime that meets the definition of an aggravated felony or is the subject of an outstanding federal felony arrest warrant.

Transfers to Immigration Authorities: Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist:

- Transfer is authorized by a judicial warrant or judicial probable cause determination.
- The individual is identified by the U.S. Department of Homeland Security’s Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.
Over the past 8-10 months, the Fresno Police Department has received a number of requests from local Board and Care homes to have an individual in their care taken into custody on a PC 1610 violation. While this is a relatively rare request, there are approx. 50+ individuals within the City of Fresno that are on this type of outpatient commitment. CONREP, or Conditional Release Program, is a statewide system of community based services which treats patients with the following commitment types: Not Guilty by Reason of Insanity, Incompetent to Stand Trial, Mentally Disordered Offenders, and some parolees who have been released to outpatient status.

Most patients in the CONREP program have gotten there after a lengthy stay in a state hospital. Once psychiatric symptoms have been stabilized and the patients are considered no longer to be a danger, the state hospital medical director recommends eligible inpatients to the courts for outpatient treatment under CONREP. Individuals must agree to follow a treatment plan designed by the outpatient supervisor and approved by the committing court. The court-approved treatment plan includes provisions for involuntary outpatient services. In order to protect the public, individuals who do not comply with treatment may be returned to a state hospital. If during the stay at the outpatient facility, the program director determines that the subject is no longer safe to be in the company of the other program participants; they can request law enforcement to take the subject into custody on a PC 1610 hold. This is similar to a parole hold, but rather than the parole violation paperwork, the facility will provide revocation paperwork to satisfy the requirements of PC 1608 and it will go with the subject to FCJ. The officer will have the subject processed at our Prisoner Processing Section and then booked into FCJ.

While the subject may be suffering from a long term mental illness, this is NOT a mental health call for service. It should be treated as any other event involving an arrest. All relevant policies and procedures are in affect with regard to how to treat the arrestee. Unless the arrestee makes statements to the arresting officers consistent with a mental health emergency, there is no need to request an MH unit or 8B unit, or to place the arrestee on a new mental health hold.

Since the arrestee has been determined to be a danger to self or others, with regard to the program's rules of conduct, officers shall make the arrest. The arresting authority resides in PC 1610, which states in part;

(a) Upon the filing of a request for revocation under Section 1608 or 1609 and pending the court's decision on revocation, the person subject to revocation may be confined in a facility designated by the community program director when it is the opinion of that director that the person will now be a danger to self or to another while on outpatient status and that to delay confinement until the revocation hearing would pose an imminent risk of harm to the person or to another. The facility so designated shall continue the patient's program of treatment, shall provide adequate security so as to ensure both the safety of the person and the safety of others in the facility, and shall, to the extent possible, minimize interference with the person's program of treatment.

Upon the request of the community program director or a designee, a peace officer shall take, or cause to be taken, the person into custody and transport the person to a facility designated by the community program director for confinement under this section.
The facility designated by the community program director may be a state hospital, a local treatment facility, a county jail, or any other appropriate facility, so long as the facility can continue the person's program of treatment, provide adequate security, and minimize interference with the person's program of treatment.

Sample of a Department of State Hospitals CLETS hit:

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<th>ENT/1</th>
<th>NAM/********************</th>
<th>SEX/F</th>
<th>DOB/************</th>
<th>RAC/B</th>
<th>HGT/509</th>
</tr>
</thead>
<tbody>
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<td>OCA/8260</td>
<td>RESIDENCE COUNTY/LOS ANGELES</td>
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**CA STATE HOSPITALS INFORMATION**

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<th>DISCHARGE DATE/20680221</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGENCY/CA STATE HOSPITALS-CONREP</td>
<td>ORI/CA0343400</td>
<td>CONTACT/ANSWERNET, CONREP ANSWER SERV UNIT/MHM CENTRAL CA</td>
</tr>
<tr>
<td>PHONE/800 877-0277</td>
<td>MISC/ALERT - THIS SUBJECT IS UNDER THE SUPERVISION OF THE CALIFORNIA DEPARTMENT OF STATE HOSPITALS (CA-DSH) -- IF IN YOUR CUSTODY OR IF ANY CONTACT IS MADE, CONTACT CA-DSH AT 1(800)877-0277, 24 HOURS - 7 DAYS A WEEK</td>
<td></td>
</tr>
</tbody>
</table>
STOP DATA COLLECTIONS SYSTEM

As a result of the passage of Assembly Bill 953 (AB 953), agencies with over 750 sworn officers must begin the collection of demographic data on every detention made in the field. This data is similar to what our agency has been collecting on traffic stops for over 17 years. To support the implementation of AB 953, an account is being created for you in the Stop Data Collection System (SDCS). Train the trainer classes will be held in the PD Annex 2W Training room on October 17th and 24th from 1300 to 2400 hours in 2 hour increments. Patrol will be assigned, but all other sworn personnel are welcome to attend as staffing allows.

This will support collection of the new stop requirements starting on January 1, 2019.

What to Expect
- You will receive two system-generated emails from DOJIdentityManager@doi.ca.gov notifying you when your account is ready.
- Email #1 will be titled “CA DOJ Notice of Account Approval”. It will contain your Login ID, which is your agency-assigned email address.
- Email #2 will be titled “CA DOJ Temporary Password”. It will contain a Temporary password and a Change password link.

What to Do
- When you have a few minutes, click on the Change password link to complete the set-up of your account.
- You will create a new password, and also set-up Security and Help Desk questions. These questions will be used in the future if a password is forgotten.
- This will complete the set-up of your account.
- Next, you can access SDCS through your desktop icon. The training environment will be available to you through December 31, 2018 to familiarize yourself with the system. Note: If needed, the training site may intermittently be unavailable due to maintenance from 12pm to 1pm daily, and Thursdays between 3pm to 5pm.

If You Have Questions
Please contact PD.HelpDesk@fresno.gov or x2020
A public agency employing peace officers that adopts and disseminates a written policy on, and provides regular and periodic training on an annual basis for, vehicular pursuits is immune from liability for civil damages for personal injury to or death of any person or damage to property resulting from the collision of a vehicle being operated by an actual or suspected violator of the law who is being pursued in a motor vehicle by a peace officer employed by the public entity.

This RCTB is being distributed to comply with required annual training related to vehicle pursuits. Officers should keep in mind that pursuits of suspected or known violators of the law expose the public, law enforcement officers and fleeing violators to serious injury or death. The primary purpose of this policy is to provide officers guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

When to Initiate a Pursuit

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle. The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

(a) Seriousness of the known or reasonably suspected crime and its relationship to community safety;
(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others;
(c) Apparent nature of the fleeing suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety);
(d) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time;
(e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors;
(f) Pursuing officer(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit;
(g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect;
(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit;
(i) Vehicle speeds;
(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages);
(k) Availability of other resources such as air support; and
(l) The police unit is carrying passengers other than police officers. Pursuits shall not be undertaken with a prisoner(s) in the police vehicle.

Pursuit Units

Pursuit units should be limited to three vehicles (two units and a supervisor); however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be...
insufficient to safely arrest the suspect(s). All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

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

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

Supervisor Control & Responsibility

It is the policy of this Department that available supervisory and management control will be exercised over all motor vehicle pursuits involving officers from this Department. The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

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

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

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

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

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

(f) Ensuring that aircraft are requested if available;

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

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

(i) Control and manage FPD units when a pursuit enters another jurisdiction;

(j) Respond to the termination point of all pursuits; and

(k) Preparing post-pursuit critique and analysis of the pursuit to be forwarded via BlueTeam to the Pursuit Review Officer.

Pursuit Driving Tactics

The decision to use or not use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

(l) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle;

(m) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event the pursued vehicle does so, the following tactics should be considered:

1. Requesting assistance from an air unit;

2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway; and

3. Requesting other units to observe exits available to the suspect(s).

(mi) Notifying the California Highway Patrol and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction; and

(mii) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or requested to do so by the primary unit.
Pursuit Intervention

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

Speed Limits

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

Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:
(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions;
(b) Pursuit speeds have exceeded the driving ability of the officer; and
(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

Aircraft Assistance

When available, air support should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of air support when determining whether to continue the pursuit. The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit, but should not be relied upon to do so.

When To Terminate A Pursuit

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

The factors listed in Policy Manual §314.2.1 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s). When instructed to terminate, all units shall comply by immediately turning off their lights and siren and driving in compliance with all VC provisions.

In addition to the factors listed in Policy Manual §314.2.1 the following factors should also be considered in deciding whether to terminate a pursuit:
(a) Distance between the pursuing officers and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance;
(b) Pursued vehicle's location is no longer definitely known;
(c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive;
(d) Extended pursuits violators for traffic violations or misdemeanors not involving violence or risk of serious harm (independent of the pursuit) or known / suspected grand theft are discouraged;
(e) Hazards to uninvolved bystanders or motorists;
(f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time; and
(g) Directed by a supervisor.
Capture of Suspects

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

Inter-Jurisdictional Considerations

When a pursuit enters another agency’s jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

Radio communications will be conducted on the initiating agency’s primary radio channel unless instructed otherwise by a supervisor or communications dispatcher. All pursuit radio traffic should be transferred to the FCSD communications center for dispatching purposes when all of the following conditions are present:

(a) The pursuing police department has communication capabilities with the FCSD. Agencies capable of communicating with FCSD include, but are not limited to, the following police departments: Coalinga, Firebaugh, Fowler, Huron, Kerman, Kingsburg, Mendota, Parlier, Reedley, Sanger, and Selma; and

(b) The pursuit leaves the pursuing agency’s city limits and enters into an unincorporated area of Fresno County.

If the initiating agency has the ability and elects to have its involved unit(s) conduct all radio communications on the FCSD frequency, the initiating agency shall maintain control of the pursuit and its units. FCSD shall have no control or responsibility over the involved unit(s) from the initiating agency unless and until the initiating agency expressly relinquishes control of the pursuit to the FCSD.

Units from this Department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this Department may join the pursuit until sufficient units from the initiating agency join the pursuit.

The role and responsibilities of officers at the termination of a pursuit initiated by this Department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit. The agency initiating the pursuit should assume responsibility for handling the prosecution of the violation for which the pursuit was initiated. When non-traffic violations have occurred subsequent to the pursuit being relinquished to another agency, the agency that has assumed the pursuit and witnessed these violations will be responsible for their prosecution.

Reporting & Post-Pursuit Analysis

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 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.

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.

Reference: Policy §314- Vehicle Pursuit Policy
RPW Reports Rejected By The Statistics Unit

Introduction:
Our Records Section Statistics Unit is responsible for making sure all reports are coded correctly according to Department of Justice Uniform Crime Reporting (UCR) guidelines. These statistics are reported to the Department of Justice on a monthly basis. They are also uploaded to the City of Fresno website to be accessed by other agencies, civilians and outside organizations. These statistics are also used internally within our department. Accuracy of these statistics is critical.

A large percentage of RPW reports are not being completed correctly. It’s the duty and responsibility of our Statistics clerks to reject these reports back to the officer with notes when the report doesn’t comply with Department of Justice UCR guidelines. These guidelines may dictate a different case title then what an officer may choose to use. Our Statistic clerks are only doing their duty, so please remain professional when interacting with them.

Report Corrections:
Some officers will not make the necessary corrections requested by our Statistics Unit and will resubmit the report as is. This is sometimes done multiple times for the same report. This wastes time and resources for the department by forcing the officer, sergeant and the Statistics clerk to review the report and approve and reject it multiple times. Please make corrections when instructed to do so and respond to emails requesting additional information. You can contact a senior Statistics clerk for questions by calling extension: 2005, 2009 or 2021.

Report Problem Areas:
Here’s a list of the most common problem areas in RPW reports being submitted for approval:

1) The case title for Domestic Violence cases should not be marked as a “GI” when the reporting person does not want an incident investigated, but wants it documented. You must select “GI/Domestic Violence” from the drop down box and check the “DV” box in this scenario.

2) RPW will allow you to enter custom entries into the case title box. This should be avoided at all costs. Department of Justice codes are associated with existing case titles, but are missing when custom case titles are entered.

3) At least one case factor should be added to every original report.

4) You must fill out additional Domestic Violence information under “Additional Forms” when the Domestic Violence box is checked in your report.

5) You must select a suspect status when adding a suspect to the report. Arrested, cited and etc.
6) You must fill out all suspect information such as race, sex, height, weight when the suspect has been arrested or cited. Select **UNK** (Unknown) if you do not know a suspect name or characteristic.

7) Every report must have the district, beat and zone added. Enter Zone: SW, Beat: B and Zone: 9999 when you complete a report that is not within the City of Fresno limits.

8) You must make sure both an occurrence “From” and “To” date/time is added to the report.

9) Report narratives cannot be blank. Something must be entered. For traffic collisions simply add “See T/C”.

10) On the property tab, please enter an estimated property value on everything that’s listed with Involvement Code **S** (Stolen) and **SR** (Stolen Recovered Property). If the victim does not give you a value for the property, you can added your own estimate or you can Google it to get an estimate. A cost value must be entered for vehicles as well.

11) Make sure to enter a disposition for property and vehicles.

12) Make sure the correct involvement code is used for stolen vehicles. The most common problem is with recovered stolen vehicles. Make sure to select the “Recovered” value in the involvement drop box or the vehicle will remain permanently stolen in the system.

13) Impounded vehicles: A tow sheet needs to be filled out in RPW or a hard copy needs to be filled out and turned in. If a hard copy is used, make sure to state this in the vehicle description box.

14) The Department of Justice classifies a vehicle that has been ransacked with nothing stolen as a vehicle burglary and not a vandalism. Please title your reports appropriately.

15) The “Possible” box should not be marked on PC 459 Residential Burglary reports when property is listed. Listed property makes this an actual PC 459 under UCR guidelines. The report should be titled a larceny when forced entry is not evident.

**Conclusion:**
Properly filling out your reports saves everyone time and the department money. This prevents the officer, sergeant and Statistics clerk from having to take time from other critical duties to make corrections to reports.

**UCR Resources:**
General UCR information is provided at this website link: [https://ucr.fbi.gov/](https://ucr.fbi.gov/) . UCR mandated guidelines used by our clerks to score reports can be accessed through this link: [https://ucr.fbi.gov/nibrs/summary-reporting-system-srs-user-manual](https://ucr.fbi.gov/nibrs/summary-reporting-system-srs-user-manual).
Fresno Police Department

Roll Call Training Bulletin

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UPDATED RISK ASSESSMENT MATRIX

The Fresno Police Department has adopted a new Risk Assessment Matrix to be completed before all preplanned search warrants or operations intended to apprehend a violent felony suspect. The new matrix utilizes a checkbox system which replaces the old numerical based assessment.

The Risk Assessment Matrix is used during the planning stage of operations to determine when consultation with SWAT is required. The new Risk Assessment Matrix utilizes a YES/NO criteria based questionnaire and includes information, such as the type of crime and criminal histories of suspects involved, that are related to the service of warrants.

The case agent, member completing the tactical operations plan, or a unit supervisor shall complete the Risk Assessment Matrix. Each category requires either a YES or NO response to be marked. The member completing the Risk Assessment Matrix will utilize all available information including, but not limited to criminal histories/rap sheets, RMS, Automated Firearm System (AFS), prior police reports, social media, and confidential/citizen informants to complete the form.

Risk Matrix values are for FPD operations only. The values are for consistency of preplanned operation service and notification guidelines to include SWAT consultation.

- If any boxes in items 1-5 are marked YES, SWAT should be contacted.
- If two or more boxes in items 6-11 are marked YES, SWAT should be contacted.
- The unit supervisor shall notify the Bureau or District Commander before the service of any warrant or consultation with the SWAT commander or their designee.
- The unit member, or unit supervisor, completing the Risk Assessment Matrix shall consult with the SWAT Commander, or their designee, if the above criterion is reached to determine if SWAT will assist in serving the warrant.
- SWAT notification shall be reflected in the tactical operations plan and any police report associated with the service of the search warrant. If SWAT was not used, this shall be reflected under "SWAT Contacted" and "SWAT Utilized" on the Risk Assessment and the police report as well. The name of the SWAT commander or designee consulted shall be included in the tactical operations plan and police report.
2019 Legislative Update

This RCTB contains some of the new and amended codes that became effective January 1, 2019. The information concerning the new and amended codes was obtained from the California Peace Officers' Association 2019 Legislative Update Digest. This RCTB is not a complete list of all legislative changes and additions for 2019, but primarily those that may impact officers during the performance of their duties.

**PC §629.52 (Amended):** Adds fentanyl to the list of controlled substances for which interception of wire or electronic communications may be ordered.

**PC §817 & 1526 (Amended):** Eliminates the requirement that a judge take the oath over the telephone when an officer makes an application for a search or arrest warrant by fax, email or computer server.

**B&P §26200 (Amended):** Allows the Bureau of Cannabis Control to issue a temporary state license to provide on-site sales and consumption of cannabis at a temporary event located at a fair ground, district agricultural association event or at another venue expressly approved by a local jurisdiction.

**B&P §25621.5 & 26070.2 (Added):** Prohibits an alcoholic beverage licensee from selling, offering or providing cannabis or cannabis products, including the sale of an alcoholic beverage that contains cannabis, and clarifies existing law banning alcoholic beverages containing tetrahydrocannabinol or cannabinoids, regardless of source.

**PC §647 (Amended):** Defines “identifiable” for the crimes of using a camera or similar device to photograph or record an identifiable person under or through their clothing, for the purpose of viewing their body or undergarments, for the purpose of sexual gratification, or to record an identifiable person who is in a state of full or partial undress in an area in which they have a reasonable expectation of privacy, without their consent.

**PC §621 (Amended):** Provides a cross-reference to the Military & Veterans Code provision related to vandalism of veterans’ memorials in the PC provision related to vandalism of law enforcement and firefighter memorials.

**PC §188, 189 (Amended) and 1170.95 (Added):** Limits liability for individuals on a theory of first or second degree felony murder.

**PC §16690 (Amended):** Exempts retired Level I reserve peace officers who meet specified length of service requirements from the ban on possessing high-capacity magazines.

**PC §18255 (Amended):** Imposes receipt requirements for deadly weapons taken by officers.
**PC §29805 (Amended):** Prohibits a person who is convicted on or after January 1, 2019, of a misdemeanor DV offense that currently results in a 10 year prohibition against possessing a firearm, from possessing a firearm for life.

**W&I §625.4 (Added):** Law enforcement shall not request a voluntary DNA sample be collected directly from a minor, without first obtaining written consent from the minor and the minor's parent or legal guardian, or attorney representing the minor.

**Labor Code §3600.2 (Amended):** Clarifies that certain peace officers injured out of state while performing defined law enforcement duties are eligible to receive workers' compensation benefits, in the discretion of the employing agency.

**B&P 21636 (Amend):** Revises the current requirement from 30 days to seven for a secondhand and coin dealer to hold tangible personal property, with the exception of firearms, prior to selling the property.

**Government Code §6254 (Amended):** Beginning July, 1 2019, establishes a standard for release of body-worn camera footage by balancing privacy interest with the public's interest in the footage.

**PC §§832.7 & 832.8 (Amended):** Permits inspection of specified peace and custodial officer records pursuant to the California Public Records Act (CPRA).

**VC §21200 (Amended):** Extends the provisions of VC 20001 to persons operating a bicycle on Class I bikeways (exclusive right-of-way for bicyclists and pedestrians away from the roadway). A bicyclist, if involved in an accident on a Class I bikeway which results in injury to another involved person, is required to stop, provide identifying information and render assistance as necessary.

**VC §40610 (Amended):** This law makes certain vehicle exhaust violations (CVC 27150 and 27151) non-correctable.

**VC §21761 (Added):** Requires a driver approaching and overtaking a stopped waste service vehicle displaying flashing amber lights to make a lane change into an available lane and pass at a safe distance. If impractical or unsafe to pass, the driver approaching and overtaking would be required to slow to a reasonable and prudent speed.

**VC §§10652.5, 22524.5 and 22651.07 (Amended):** Provides additional consumer protections when a vehicle is towed or stored for any reason. There have been instances where towing and storage operators capitalize on consumer confusion by charging excessive fees. This law aims to curb these practices by ensuring that fees are reasonable and do not exceed those that are approved by the CHP or local law enforcement's Tow Service Agreement's.

**VC §21235 (Amended):** Removes the bicycle helmet requirement for riders of motorized scooters who are 18 years of age or older.

**VC §§21212 and 40303.5 (Amended):** Requires a citation issued to a person under 18 for not wearing a helmet when riding a bicycle, scooter, skateboard or roller or in-line skates to be non-punitive and correctable if the minor’s parent or legal guardian shows proof within 120 days after the cite was issued to the issuing law enforcement agency that the minor has a helmet meeting safety standards and has completed a local bicycle safety course.

**VC §16028 (Amended):** Clarifies that §16028(a) of the VC is the appropriate section for officers to cite if a driver fails to provide proof of financial responsibility at the scene of a traffic collision.
Prisoner Processing Walk Through Metal Detector

The Prisoner Processing Section of the Crime Scene Investigation Section recently installed a walk through metal detector to assist with the safe processing of in-custody prisoners. Effective immediately, after prisoners have been searched, and wanded, by the transporting officer, and all personal items removed from their person, the prisoner must be walked through this metal detector BEFORE placing them into one of the three holding cells. See the below paragraphs for instructions.

Prior to walking your prisoner through the detector, it will be in stand-by mode. The stand-by mode is denoted by the green lights visible in the photo at the right. These are “pass through” lights. The green lights indicate that the scanner is ready to accept a prisoner to pass through. When a prisoner is passing through the metal detector, the green light will turn to red. This single, small, red light does NOT indicate that the prisoner has a metallic object. It is merely registering that a person has entered the scanning area.

When a prisoner is passing through the scanning area, and they have a metallic object on their person, a large red band of lights will flash. The lights will flash at the approximate height on the prisoner’s body where the metallic object is located. The lights can flash as low as the shin area, or as high as the head area. The scanner is calibrated to activate when items as small as a cuff key are detected.

Once a prisoner has successfully passed through the metal detector, they can then be placed into a holding cell until they can be processed for prints, and a mug photo, by a cadet assigned to the prisoner processing section.

FPD Procedure section 900 Sec. C has been updated to reflect these changes.
Exceptions to Warrantless Arrests for Misdemeanors

There are several exceptions to a warrantless arrest for misdemeanors including family violence, DUI, carrying a concealed firearm in public, or an assault on a firefighter, or EMT/Paramedic. Some calls for service involve adults who are assaulted by a related juvenile, but do not wish to make a citizen’s arrest (e.g., a grandchild assaults a grandparent). Many times, there are repeated calls for service for the same type of situation at the same residence. As a reminder, another exception to warrantless arrest for misdemeanors involves any person related to the suspect by blood (consanguinity) or marriage (affinity) within the second degree (PC836(d)).

What types of relationships constitute second degree? As depicted below, by blood would be a grandparent, sibling, or grandchild; whereas by marriage, would be a parent-in-law or daughter/son-in-law.

Note: Step relationships (step-brother, step-father, etc..) are considered to be the same as blood relationships.

Often, officers receive calls for service in which involved adult parties in physical disturbances do not wish to make a citizens arrests for misdemeanor crimes. Should there be a familial relationship between the involved parties, the warrantless arrest exception may apply.

These are special relationships defined in the California Family Code. Misdemeanor battery on a child, parent or grandparent is an instance in which you CAN make an arrest for the crime as long as:

- 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
- 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.

Examples of such batteries are an adult child to parent, adult siblings, and grandparent to adult grandchild.
ACCESS TO SECURED AREAS IN FRESNO CITY HALL

Currently, when Fresno PD officers respond to incidents that occur at Fresno City Hall, they must either wait at secured offices to be allowed in or have on-site security allow the officers into the secured office. In order to ensure officers have quick access into City Hall after recent security modifications have taken place, officers will soon be issued RFID badges that will allow officers quick electronic access into the various entry points and other controlled interior electronic doors within City Hall. This includes 24/7 access to the back doors (east side) of City Hall and any of the secured offices within City Hall.

The cards will work in much the same way as the current magnetic card lock system used by the Department. Information Services Department at City Hall will utilize current Department ID photos of officers to print and encode the new ID cards, and will disseminate the cards to the Bureau Commanders. The cards will then be distributed to the officers within that command. These new ID cards will not replace Department ID cards and should be carried in addition to required Department identification.

If one of the Department issued ID cards becomes lost or stolen, it will be imperative for the Department member to report the loss or theft of the ID card immediately to their supervisor, as well as our ISD staff at 621-7100 so that members’ access can be immediately removed until a new ID card can be issued.

Access into City Hall should only be for emergency situations requiring immediate assistance. Having immediate access will allow officers to bypass waiting for security to open the doors for us or breaching the doors to gain access otherwise.

*Officers are reminded that entry to secured areas within Fresno City Hall is limited to business purposes only*
Roll Call Training Bulletin

Bulletin # 19-05

DATE
March 27, 2019

JERRY DVER
Chief of Police

The device is classified as a firearm by ATF and utilizes a blank pistol cartridge to propel the pellets and cord at approximately 640 feet per second. The Bola Wrap is aimed with a green laser and when fired, the device sounds like a gunshot. Officers need to be aware of this fact to avoid a "sympathetic fire" situation.

When feasible, officers who have been issued the device, will announce "wrap, wrap, wrap" prior to device deployment.

The Fresno Police Department is in the process of testing and evaluating the Bola Wrap 100. This is a remote restraint device which can be used on non-compliant or non-violent individuals. The device expels two fishhook pellets connected to an 8 foot length of Kevlar cord. The cord and pellets will "wrap" around the individual's extremities and provide officers a momentary advantage to detain or arrest the subject.

The effective range for the Bola Wrap is approximately 10-25 feet and communication between officers about the device's intended deployment is vital to success. It is critical that officers have a tactical plan and arrest element in place as an immediate follow up to a deployment.

Additional information about the device can be found at https://wraptechnologies.com/. Please take a moment to review Policy and Procedure 302 related to the device.
Pedestrian fatalities as a result of traffic collisions are a nationwide epidemic. The vast majority of the pedestrians killed, including our homeless population, are under the influence of alcohol, drugs or both. Statistics for 2017 and 2018 indicate nearly 80% of those pedestrians or bicyclists killed in Fresno were under the influence at the time of the fatal collision. To help address this, the Fresno Rescue Mission (FRM) has expanded their alcohol sobering center to include sobering services and programs for people under the influence of narcotics and possession of narcotics and/or paraphernalia. This program is offered 24/7 and is a “come as you are” service. Where transportation to FRM is problematic for an officer, FRM can even provide 24-hour transportation service for non-violent individuals with property storage needs for officers. The number to reach transportation services for officers is (559) 974-1698.

The process is simple, available 24-hours per day and only requires transport time to the Mission with a 1-2 minute intake process. An officer that could otherwise make an arrest and issue a citation for being under the influence of alcohol or narcotics (or for those in possession of narcotics) can offer the services at FRM in lieu of the citation or arrest by following these steps:

1. Offer Sobering Center Services through the Mission. The subject contacted must consent to accepting Sobering Center Services. If they accept;
2. Transport the individual with their personal property to FRM located at 315 G Street. People needing sobering services can be walked into the front door from G Street.
3. Drop off the individual to the intake receptionist. This takes 1-2 minutes and requires a name and DOB.
4. If the person being dropped off is in custody for possession of narcotics or paraphernalia, the officer is required to write a crime report and complete the misdemeanor citation. In the Disposition of the case, the officer will write “Services Accepted” and note the voluntary acceptance and transport to the FRM Sobering Center. Book all narcotics or illegal items found on the arrestee.
5. NO CITE DATE to appear is placed on the citation. This allows CLO/PLO to hold on to the citation while the individual is receiving services. Officers shall follow Procedure §420, section L, Field Release Citations.

The reason the report is written and cite is completed is to encourage the individual not to walk-away from this treatment option. PLO/CLO holds the report and citation until such time as the individual completes the program. Should a walk-away from the Sobering Center occur, then FRM staff will contact PLO/CLO and the citation written and case will be submitted to the District Attorney’s office for charges.

With the decriminalization of most narcotic offenses over the past several years, we have seen a marked increase in the number of people with substance abuse issues. Too many of these people are being killed as a result of fatal vehicle versus pedestrian collisions. Rather than resolve ourselves that nothing can be done, our agency has been working with the District Attorney’s Office and the Fresno Rescue Mission to look for innovative solutions that protect lives. The Sobering Center is a step toward finding a solution and may be the first step for individuals with substance abuse problems to get help.
The rates of suicide have steadily increased within our community. On average, two people per week commit suicide within our area. Studies have shown that without professional assistance and support, the odds that the family or friend of a suicide victim will also commit suicide is substantially higher.

In response to this increased suicide risk by family and friends, Hinds Hospice in partnership with Behavioral Health and other community partners have created a LOSS Team as a resource for suicide survivors. LOSS stands for “Local Outreach for Survivors of Suicide”.

The LOSS Team consists of a clinician and suicide loss survivor who will respond to calls where a completed suicide has occurred. The team’s intent is to provide support and resources to the friends and family of the suicide victim. They will support, not replace, the efforts of our Chaplaincy program. LOSS Team members will not interfere in any on-going investigative efforts.

When officers arrive at the scene of a suicide, they simply request that dispatch notify the LOSS Team for a response. The goal of the team is to respond to the location within 1 hour of notification. LOSS Team members will be wearing uniform shirts and displaying identification badges indicating they are team members. Officers do not need to remain at the scene pending the team member’s arrival.

The implementation of the LOSS Team will take place in phases beginning July 15, 2019 with a goal of total deployment by January of 2020. LOSS Team availability will be as follows:

- July 15, 2019 0800-1700 Mon-Fri Fresno Metropolitan Area
- October 15, 2019 0600-1800 Mon-Sun Fresno Metropolitan Area
- January 15, 2020 24 hours – 7 days County Wide

During hours where the LOSS Team is not available, officers are still asked to make notification through dispatch so a delayed response and follow-up can be completed.
Plain View Project

Recently, the Philadelphia Police Department placed at least 72 of their officers on administrative leave for racist, sexist, bigoted, homophobic or other inappropriate language posted to their personally owned social media accounts. These postings were discovered in the summer of 2016 and led to the creation of the Plain View Project (PVP). The PVP obtained rosters of current police officers in 8 different jurisdictions throughout the US, the farthest west being Phoenix, AZ. The rosters were then used to search Facebook for accounts belonging to officers. Those profiles were “verified” as belonging to an officer through self-identifying as a police officer, wearing a department uniform and other methods. The profiles were then mined for posts or comments that “could undermine public trust and confidence in the police”. These were then posted to www.plainviewproject.org, which is a searchable database that can be searched by the officer's name, rank, department affiliation and either active duty or former. A salary range is even part of the database.

As a Fresno police officer, crude, malicious or insensitive remarks posted on social media, even those made in jest, can be used against you. Comments that seemingly have nothing to do with the performance of your duties can be taken out of context and used to establish “reasonable doubt” regarding your integrity. Specifically, postings that could be construed as racist, sexist, or indicative of heavy-handedness can be used to discredit you and impeach your testimony in court.

Despite an officer’s best efforts to maintain the privacy of their Facebook, Instagram, Snapchat or any other social media profile(s), confidentiality may be breached in a number of ways. If the content can be seen, it can be saved (screenshot), forwarded or otherwise shared (i.e., if other people share info about you, even if it’s something you shared with them but did not make public, they can choose to make it public). Similarly, comments posted in response to news articles or other online blogs behind the “anonymity” of a screen name can be traced back to you. Defense and civil rights attorneys are monitoring what officers post the same way that police investigators monitor the sites of criminals. If the relevance of a social media discovery request can be demonstrated before a judge, your “private” postings may become the subject of a subpoena.

Officers should use caution whenever they engage in social media communication during their off-duty hours, as their conduct could subject them to a number of adverse personal and professional implications, per Policy 341.2.5 (ab). Officers should never participate in any personal social media activity while on-duty, per Policy 341.2.5 (a). Officers are also reminded that Policy 341.2.2(f) prohibits Department members from posting material on social media sites specifically identifying the Fresno Police Department.

Remember: Your behavior online is a direct reflection of the entire Department’s integrity and is critical to maintaining public trust.

REFERENCES:
RCTB 14-11 Social Media Issues
https://www.plainviewproject.org/about
https://www.facebook.com/help/203805466323736
Fresno Police Department

Roll Call Training Bulletin

Bulletin # 19-09
DATE
August 7, 2019

JERRY DVER
Chief of Police

Use of Flex Time Menu in OTTO

Recently, the Department went through both an external audit and internal review regarding outside employment. Both indicated that some Department members were engaged in outside employment during their scheduled work hours at the Department. Also discovered was the lack of an effective method of accounting for hours spent working outside employment positions as well as hours that were flexed to accommodate those outside working hours.

In order to accurately account for those instances in which a Department member flexes their work hours, Department IT personnel has created a menu option in the OTTO system called “Flex Time”. Members will use this option if they have permission from their supervisor to flex their Department hours to work outside employment hours.

The data fields are very similar to what members will see throughout the other menu options in OTTO and require similar input from the member. Under the Flex Time option, members will select “New Flexible-Time Request”. Members must first list the reason for the flex request and list the exact date, time and total time off anticipated to complete the outside employment. The member must also indicate the date the flexed time will be made up. The outside work activity and the supervisor approving/notified are required to be noted in the narrative box. Flexed time off must be completed within the same pay period.

Members shall complete the OTTO Flex Time request prior to the request date, and be granted permission from a supervisor to flex their Department hours prior to doing so. Manager approval before the event is not required.
FENTANYL AND CARFENTANYL EXPOSURE PRECAUTIONS

Fentanyl and carfentanyl are both extremely powerful and dangerous synthetic opiate painkillers. Similar to morphine, fentanyl is 50-300 times more potent. Carfentanyl is 100 times more potent than fentanyl!

Both of these drugs have been found to be cut into heroin and other less powerful street drugs. Users typically don’t even know they are ingesting the drug, often leading to accidental overdoses. Members should be very aware of this possibility when responding to these types of events and evaluate the person for administration of Narcan (P&P 361). Look for some of these possible symptoms of fentanyl or carfentanyl overdose, and use the below guidelines;

- Confusion
- Dizziness
- Trouble thinking, speaking or walking
- Blue or purple colored lips, fingernails or extremities
- Throwing up
- Choking sounds
- Pinpoint pupils or seizures
- Slowed heart rate
- Excessive drowsiness
- Nodding off
- Limp body
- Unresponsive
- Coma
- Difficulty breathing
- Slow, shallow breathing
- Respiratory arrest

What You Need to Know

- Fentanyl and carfentanyl can be present in a variety of forms including powder, tablets, capsules, solutions, blotter paper or spray
- Incidental skin contact may occur during daily activities but is not expected to lead to harmful effects if the contaminated skin is promptly washed off with soap and water
- Inhalation of airborne powder is MOST LIKELY to lead to harmful effects

Safety Considerations

- Field testing of evidence suspected to be or suspected to contain fentanyl or carfentanyl should be discontinued
- Officers should wear protective gloves while in the performance of searching where illicit drugs may be encountered
- If fentanyl or carfentanyl is suspected to be present, officers should use nitrile gloves, a respirator mask and eye protection
- Any evidence believed to contain any quantity of fentanyl or carfentanyl should be double-bagged and appropriately marked to show the believed contents
- Canines should not be deployed in any situation where fentanyl is suspected and should be used cautiously in other situations involving illegal drugs. Handlers should monitor canines for a period of time after deployment to determine any unusual behavior which may indicate exposure

If Exposure Occurs

- Prevent further contamination and request EMS and FFD
- Do not touch eyes, mouth, nose or any skin after touching any potentially contaminated surface
- Wash skin thoroughly with cool water, and soap if available. Do NOT use hand sanitizers as the alcohol in them may enhance absorption
- If you suspect your clothing, shoes or protective equipment may be contaminated, discarding the item(s) should be strongly considered

SHOULD YOU ENCOUNTER A SCENE WHERE YOU KNOW OR SUSPECT FENTANYL OR CARFENTANYL IS PRESENT, YOU SHOULD EVACUATE ALL PERSONNEL AND CITIZENS FROM THE LOCATION. NOTIFY THE FIELD COMMANDER AND SIB SUPERVISOR. THEY WILL REQUEST THE APPROPRIATE PERSONNEL.
As part of the Department’s ongoing dedication to professionalism, it’s important that members re-familiarize themselves with their Code of Ethics. Listed below are the Code of Ethics for civilian and sworn members.

**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 ill will, never employing unnecessary force or violence and never accepting gratuities.

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

**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.
A public agency employing peace officers that adopts and disseminates a written policy on, and provides regular and periodic training on an annual basis for, vehicular pursuits is immune from liability for civil damages for personal injury to or death of any person or damage to property resulting from the collision of a vehicle being operated by an actual or suspected violator of the law who is being pursued in a motor vehicle by a peace officer employed by the public entity.

This RCTB is being distributed to comply with required annual training related to vehicle pursuits. Officers should keep in mind that pursuits of suspected or known violators of the law expose the public, law enforcement officers and fleeing violators to serious injury or death. The primary purpose of this policy is to provide officers guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

### When to Initiate a Pursuit

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle. The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

1. **Seriousness of the known or reasonably suspected crime and its relationship to community safety;**
2. **The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others;**
3. **Apparent nature of the fleeing suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety);**
4. **The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time;**
5. **Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors;**
6. **Pursuing officer(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit;**
7. **Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect;**
8. **Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit;**
9. **Vehicle speeds;**
10. **Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages);**
11. **Availability of other resources such as air support; and**
12. **The police unit is carrying passengers other than police officers. Pursuits shall not be undertaken with a prisoner(s) in the police vehicle.**

### Pursuit Units

Pursuit units should be limited to three vehicles (two units and a supervisor); however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be...
insufficient to safely arrest the suspect(s). All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

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

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

Supervisor Control & Responsibility

It is the policy of this Department that available supervisory and management control will be exercised over all motor vehicle pursuits involving officers from this Department. The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

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

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

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

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

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

(f) Ensuring that aircraft are requested if available;

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

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

(i) Control and manage FPD units when a pursuit enters another jurisdiction;

(j) Respond to the termination point of all pursuits; and

(k) Preparing post-pursuit critique and analysis of the pursuit to be forwarded via BlueTeam to the Pursuit Review Officer.

Pursuit Driving Tactics

The decision to use or not use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

(l) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle;

(m) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event the pursued vehicle does so, the following tactics should be considered:

1. Requesting assistance from an air unit;

2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway; and

3. Requesting other units to observe exits available to the suspect(s).

(mi) Notifying the California Highway Patrol and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction; and

(mii) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or requested to do so by the primary unit.
Pursuit Intervention

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

Speed Limits

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

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

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

Aircraft Assistance

When available, air support should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of air support when determining whether to continue the pursuit. The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit, but should not be relied upon to do so.

When To Terminate A Pursuit

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

The factors listed in Policy Manual §314.2.1 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term “terminate” shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s). When instructed to terminate, all units shall comply by immediately turning off their lights and siren and driving in compliance with all VC provisions.

In addition to the factors listed in Policy Manual §314.2.1 the following factors should also be considered in deciding whether to terminate a pursuit:

(a) Distance between the pursuing officers and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance;
(b) Pursued vehicle's location is no longer definitely known;
(c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive;
(d) Extended pursuits violators for traffic violations or misdemeanors not involving violence or risk of serious harm (independent of the pursuit) or known / suspected grand theft are discouraged;
(e) Hazards to uninvolved bystanders or motorists;
(f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time; and
(g) Directed by a supervisor.
Capture of Suspects

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

Inter-Jurisdictional Considerations

When a pursuit enters another agency’s jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

Radio communications will be conducted on the initiating agency’s primary radio channel unless instructed otherwise by a supervisor or communications dispatcher. All pursuit radio traffic should be transferred to the FCSD communications center for dispatching purposes when all of the following conditions are present:

(a) The pursuing police department has communication capabilities with the FCSD. Agencies capable of communicating with FCSD include, but are not limited to, the following police departments: Coalinga, Firebaugh, Fowler, Huron, Kerman, Kingsburg, Mendota, Parlier, Reedley, Sanger, and Selma; and
(b) The pursuit leaves the pursuing agency’s city limits and enters into an unincorporated area of Fresno County.

If the initiating agency has the ability and elects to have its involved unit(s) conduct all radio communications on the FCSD frequency, the initiating agency shall maintain control of the pursuit and its units. FCSD shall have no control or responsibility over the involved unit(s) from the initiating agency unless and until the initiating agency expressly relinquishes control of the pursuit to the FCSD.

Units from this Department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this Department may join the pursuit until sufficient units from the initiating agency join the pursuit.

The role and responsibilities of officers at the termination of a pursuit initiated by this Department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit. The agency initiating the pursuit should assume responsibility for handling the prosecution of the violation for which the pursuit was initiated. When non-traffic violations have occurred subsequent to the pursuit being relinquished to another agency, the agency that has assumed the pursuit and witnessed these violations will be responsible for their prosecution.

Reporting & Post-Pursuit Analysis

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 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.

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.

Reference: Policy §314 - Vehicle Pursuit Policy

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