Fresno Police Department
Policy Manual

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 Police Department
Policy Manual

Fresno Police Department
Vision Statement
To serve our community with honesty, compassion, and respect.

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

To keep our community safe by preventing citizens from becoming victims of crime or from being injured in traffic collisions. This is our highest priority. Provide excellent service to the numerous requests we receive from the community. Our principal duty is to serve and maintain the trust of our community. This trust provides every department member with the foundation required to carry out our duties. Without trust we simply do not have the authority to serve our public.

The phrase “with our community” is included to reflect our desire to work side by side, in partnership with our community as we collectively fulfill our mission.
# Fresno Police Department Policy Manual

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**Note:** Policies listed in *BLUE Italics* contain revisions for this quarter.
Chapter 1: Law Enforcement Role and Authority
100.1 POLICY
Law enforcement officers are granted "functional" authority based on State law, as such, this Department will not tolerate abuse of that authority.

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

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

100.3 CONSTITUTIONAL REQUIREMENTS
All members shall observe and comply with every person’s clearly established rights under the United States and California Constitutions.
101.1 POLICY
The Department provides primary law enforcement services to the City of Fresno.

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

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

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

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

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

In order to help integrate the Community Oriented Policing strategy into our operations, open communication is encouraged and should be fostered by all members. In order to assure that concerns raised by members of our community are taken seriously and handled appropriately, every member of the Department is responsible to listen, understand and communicate concerns to their immediate supervisor. Those issues which can be solved by the member should be handled appropriately.

Department members are also an integral part of the community policing strategy. When a Department member observes activity or situations that affect quality of life they are encouraged to immediately report the information to the appropriate district or bureau.

Issues that affect quality of life should be reported through the chain of command in written memorandum, police reports or E-mail. These issues shall be reported to the Chief of Police on a weekly basis in staff meetings. Strategies to solve the problems are to be discussed with staff members and action plans put in place to address the problems. Each week, follow up questions are presented by the Chief to track progress. These remarks shall be recorded into the meeting minutes to provide a written record and to facilitate tracking of the issue.
Four things to be recorded by the bureau secretary are, at a minimum:
(a) A description of current concerns voiced by the community;
(b) A description of potential problems that have a bearing on law enforcement activities within the community;
(c) A statement of recommended actions that address previously identified concerns and problems; and
(d) A statement of progress made toward addressing previously identified concerns and problems.
Policy 102

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

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

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

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

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

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

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

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

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

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

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

(a) Chief of Police
(b) Assistant Chief
(c) Deputy Chief of Police
(d) Captain
(e) Lieutenant  
(f) Sergeant  
(g) Specialist/Corporal/FTO  
(h) Officer  
(i) Community Service Officer (CSO)  
(j) Cadet II  
(k) Cadet I

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

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

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

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

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

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

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

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

102.8.4 MEMORANDA
Memoranda will be considered as verbal orders.
104.1 POLICY
Officers of the Department are sworn to uphold the federal and state constitutions and to enforce federal, state, and local laws.

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

106.1.1 PURPOSE AND SCOPE
The Policy Manual is a statement of the current policies, rules, and guidelines of the Department. Members are to conform to the provisions of this manual. Prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual. It is recognized that police work is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of the Department under the circumstances reasonably available at the time of any incident.

106.2 DEFINITIONS

**Adult** - Any person 18 years of age or older

**CHP** - The California Highway Patrol

**City** - The City of Fresno

**Civilian** - All members who are not peace officers

**Department/FPD** - The Fresno Police Department

**DMV** - The Department of Motor Vehicles

**Employee/Personnel** - Any person employed by the Department

**Juvenile** - Any person under the age of 18 years

**Manual** - The Fresno Police Department Policy Manual

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

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

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

**On-Duty** - Employee status during the period when they are actually engaged in the performance of their assigned duties

**Order** - An instruction either written or verbal issued by a superior
Policy - A statement of principle(s) upon which procedures and regulations are based to achieve the goals of the Department

POST - The California Commission on Peace Officer Standards and Training

Rank - The title of the classification held by an officer

Shall (will or must) - Indicates a mandatory action

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

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

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

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

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

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

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

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

The Policy Manual contains chapters, policies, sections, subsections, and ordered lists as illustrated below.

POLICY MANUAL
Preface
Table of Contents
Chapter
Policy 100
Section 100.1
Subsection 100.1.1
Ordered list (a)
106.5.1 ACCEPTABLE ABBREVIATIONS
The following abbreviations are acceptable substitutions in the Manual:
(a) Provisional Orders may be abbreviated as "PO";
(b) Policy Manual sections may be abbreviated as "Section 106.1" or "106.1.1"

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

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

The Manual may be issued by the Policy and Procedures Unit after being approved by the Policy and Procedures Unit and the affected division commander.

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

(See Policy and Procedures Unit Operations Manual for format and contents of RCTB)

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

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

The working version will be distributed via PowerDMS to each bureau, section, or unit by the Policy and Procedures Unit.

Revisions and/or additions to the Manual will be published by the Policy and Procedures Unit. These will be published either electronically or hard copy in the form of complete or partial orders to be inserted into the Manual.

Each bureau, section, or unit issued a hard copy manual is responsible for promptly inserting new orders into the Manual so that it is current at all times. New or modified policies or orders take force and effect on the effective date as designated on the order.

Revisions to the Manual before the quarterly updates will be in the form of Provisional Orders (PO). PO’s shall remain in effect until such time as they may be permanently incorporated into the Manual.
106.8 REQUESTS FOR REVISION OR NEW POLICY
Members wishing to create a new policy or to revise, amend, or otherwise modify the Manual shall prepare a draft of the document and submit it through the chain of command to their commander, who will forward it to the Commander of the **Policy and Procedures Unit**.

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

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

On completion of this process, the *Policy and Procedures Unit* will send the final draft document to the Chief of Police or their designee for signature.

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

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

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

The *Policy and Procedures Unit* has the responsibility for updating and maintaining accurate Policy Distribution / Receipt Forms.

106.10 DISCLAIMER
The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Fresno Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Fresno Police Department reserves the right to revise any policy content, in whole or in part.
Chapter 2: Organization and Administration
Fresno Police Department Policy Manual
Organizational Structure & Responsibility

200.1 POLICY
The Department will maintain a divisional structure with established responsibilities.

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

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

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

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

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

The Office of the Chief is comprised of:
   (a) Chief of Police;
   (b) Public Information Officer;
   (c) Administrative Lieutenant; and
   (d) Legal Advisor.

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

The Patrol Division consists of:
   (a) Field Commanders;
   (b) Southwest Policing District;
   (c) Central Policing District;
   (d) Southeast Policing District;
(e) Northeast Policing District;
(f) Northwest Policing District;
(g) Duty Office / Crimeview; and
(h) Real Time Crime Center.

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

The Support Division consists of:
   (a) Communication/Data Analysis Bureau; and
   (b) Special Operations Bureau.

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

The Investigations Division consists of:
   (a) Family Justice Bureau;
   (b) Special Investigations Bureau;
   (c) Street Violence Bureau; and
   (d) MAGEC Bureau.

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

The Administrative Division consists of:
   (a) Personnel Bureau;
   (b) Fiscal Affairs Bureau;
   (c) Internal Affairs Bureau;
   (d) Grants Unit;
   (e) Employee Services Unit;
   (f) Regional Training Center; and
   (g) City Attorney Liaison/Civil Litigation.

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

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

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

(Refer to the Department Organizational Chart for corresponding representation)

200.7 DEPARTMENT COORDINATION / COOPERATION
All Divisions, Bureaus, Sections, and Units will maintain communication with other Divisions, Bureaus,
Sections, and Units as a means of coordinating law enforcement services and increasing cooperation
within the Department. Coordination refers to the transmission and receiving of information between all
Departmental functions in the form of attendance at staff meetings, briefings, email, voice mail, reports,
and analysis.
202.1 POLICY
The Chief of Police and management staff will establish a set of long-term goals for the Department.

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

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

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

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

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

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

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

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

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

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

204.1.1 PURPOSE AND SCOPE
Provisional Orders (P.O.) establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding (MOU) and as permitted by Government Code §3500 et seq.

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

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

Any P.O. issued after publication of the Manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "1" For example, 07-1.
Policy 206

Emergency Operations Plan

206.1 POLICY
The City has prepared an Emergency Operations Plan Manual for use by employees. Employees will follow the Emergency Operations Plan and Department Critical Incident Response Plan in the event of a major disaster or other emergency event.

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

206.2 ACTIVATING THE EMERGENCY PLAN
The City of Fresno Emergency Operations Plan can be activated in a number of ways. The City of Fresno Manager/Director of OES, the Deputy City Managers, the Chief of Police, Deputy Police Chief, Fire Department Operations Bureau Chief, Fire Marshal, OES Coordinator, or the Field Incident Commander may activate the Emergency Operations Plan when a disaster occurs or major emergency occurs or threatens to occur in the City.

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

206.4 OFFICE OF EMERGENCY SERVICES (OES)
The City of Fresno Office of Emergency Services (OES) Coordinator is responsible for coordinating the planned response to natural and human made disasters, civil disturbances, and other critical incidents, which may require the use of state, federal, or citywide resources. The OES Coordinator shall act as an expeditor of resources for these types of incidents and shall be the principal advisor to the Chief of Police. The OES Coordinator may be reached 24 hrs at (559) 970-8873.
208.1 POLICY
The Department will ensure personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

208.1.1 PURPOSE AND SCOPE
It is a goal of the Department to administer a training program that will provide for the professional growth and continued development of its personnel. The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by P.O.S.T.

208.2 OBJECTIVES
The objectives of the Training Program are to:
(a) Enhance the level of law enforcement service to the public;
(b) Increase the technical expertise and overall effectiveness of personnel; and
(c) Provide for continued professional development of personnel.

208.3 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., they have already attended the training; they will exceed the 80-hour P.O.S.T. reimbursement cap, etc.).

Members may be excused from class for the following reasons:
(a) To attend mandatory court appearances;
(b) Unforeseen illness or family emergency; or
(c) 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.

208.4 TRAINING ATTIRE
208.4.1 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.

208.4.2 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.

208.5 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.

208.6 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 their 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 their 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 AO 2-2.

208.6.1 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 their return to Fresno. Members are prohibited from taking the vehicle home unless specific prior authorization has been obtained from their commander.

208.7 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.

208.8 ADHERENCE TO RULES
Members shall adhere to all rules, regulations, and other direction provided by Regional Training Center personnel when attending training.
212.1 POLICY
Electronic mail (E-mail) is a communication tool to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act).

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

212.2 DEFINITION
E-Mail - All electronic communication transmitted via traditional E-mail clients (e.g., MS Outlook), digital messages sent via cellular phones/PDA’s, and administrative messages sent via MDS and Department computer.

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

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

212.4 RULES OF E-MAIL 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.
212.5 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.
214.1 POLICY
No non-electronic administrative correspondence format is allowed except that approved by the Chief of Police.

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

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

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

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

214.3.1 PREPARATION AND DISTRIBUTION
(a) Memos will be addressed to the affected member(s), bureau, section, or unit, to which they apply;
(b) A memo will contain the date it takes effect;
(c) A memo will be signed / initialed by the issuing member;
(d) A copy of any memo issued to named personnel shall be given to each member addressed;
(e) Memos issued to bureaus, sections or units will be duplicated and distributed in sufficient quantity to ensure that all affected members are made aware of the memo; and
(f) A member may not be held accountable to the provisions of any memo unless a supervisor can personally attest to the fact that the member had been made aware of the provisions of the memo.

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

To ensure that the letterhead and name of the Department are not misused, the following will be adhered to:
(a) All external correspondence will be on Department letterhead;
(b) The Department letterhead will not be altered; and
(c) Members are to use Department letterhead only for official business.

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

"Memo" head is only used for internal documents.

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

214.7 ANNOUNCEMENTS
214.7.1 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.

214.7.2 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.

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

214.7.4 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.

214.7.5 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.

214.8 WRITTEN COMMUNICATIONS
214.8.1 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.

214.8.2 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.
214.8.3 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.

214.8.4 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.

214.8.5 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.

214.8.6 VERBAL COMMUNICATIONS
Verbal communications shall be regulated as described in Section 214.8.4-Chain of Command.

214.8.7 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.
216.1 POLICY
The Department will establish minimum staffing levels in the Patrol Division for all shifts and districts.

216.1.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that proper staffing levels are available at all times. To accomplish this, the Department will balance the needs of the employee with the public safety requirements of the community.

216.2 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.

216.3 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.

216.3.1 VOLUNTARY OB
Officers and sergeants expressing an interest in working OB must be eligible as established by the following criteria:
(a) Eligible officers and sergeants are those who are on scheduled time off when accepting the OB.
   1) This includes those officers and sergeants who are off on scheduled annual vacation.
   2) Additionally, all members must take at least one of their regularly scheduled days off to be eligible; and
(b) 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.
   1) 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.
(a) This excludes availability for half shifts, which will not be accepted nor recorded.
(b) The OB Log will be compiled from these messages left not more than fourteen days in advance, beginning at midnight.
(c) Any messages sent by the “future delivery” option, or marked “urgent” will not be accepted.
(d) A separate list will be kept for officers and sergeants.
(e) All vacancies for officers and sergeants will be filled from the compiled lists, in accordance with the above stated.
(f) 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.
(g) Any OB accepted by officers and sergeants is to be worked in its entirety by the accepting member.
(h) When unable to work the OB for any reason, the member shall notify the Duty Office immediately.

(i) The OB shall not be given away, sold, or redistributed in any fashion by the accepting member.

(j) 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.

216.3.2 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.

216.3.3 ADDITIONAL STAFFING FOR OTHER THAN NORMAL SERVICE
When it is necessary to hire additional staffing for:

(a) An emergency situation, such staffing will be at the direction of the Chief of Police; or

(b) 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.

   1) When all vacancies cannot be filled by volunteers, personnel will be ordered back to fill the remaining vacancies.

   2) 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.

216.4 OFFICER AND SERGEANT RESPONSIBILITIES
In order to maintain accurate records, personnel are to notify the Duty Office, as required in Policy §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.
218 POLICY

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

218.1 PURPOSE AND SCOPE

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

*Some non-residents may qualify.

218.2 QUALIFICATIONS

Concealed Carry Weapons (CCW) applicants are subject to the following qualifications:

(a) The applicant is 21 years of age and resides in the City of Fresno;
(b) The applicant is of good moral character;
(c) Good cause exists for issuance of the license;
(d) The applicant has completed a course of training as described in PC §26165; and
(e) The applicant is not a member of one of the prohibited categories as specified in the application.

218.3 APPLICATION PROCESS

Concealed weapons applications can be obtained online through the City of Fresno website or by contacting the CCW Coordinator at 621-6562. Applications will be those prescribed by the Attorney General in accordance with PC §26175, as amended. The firearms training specified in this article may be started and completed after the application has been received by the Fresno Police Department; however, the CCW license shall not be issued until applicant produces evidence of successful completion of the required training.

218.3.1 APPLICATION

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

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

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

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:

(a) Clearance from the California Department of Justice has been received; and
(b) The applicant produces evidence of successful completion of a firearm training course pursuant to PC §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 PC §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.

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

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

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

Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in PC §§830.6(a) or (b) (PC §26170).

218.3.4 FINGERPRINTS
The applicant will also be required to get fingerprinted at any Live Scan location. At that time, the applicant must pay the required fingerprint scanning fee to the business.

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

A permit cannot be issued until clearance from the Department of Justice is received.

218.3.6 BACKGROUND CHECK
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.

The Fresno Police Department will conduct a background investigation to verify the information on the applicant’s application and to determine if they meet the good moral character requirement. Applicants, at minimum, must have no criminal convictions within the past 10 years of a crime involving moral offenses.
turpitude or crime of violence (e.g. assault with a deadly weapon, domestic violence, battery, manslaughter, murder, etc.), have no history of alcohol or drug abuse, and have no dishonorable discharge from military service.

218.3.7 DISQUALIFYING INFORMATION
In situations where the Federal, State or local background check discloses disqualifying information, the Chief of Police at their 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.

Pursuant to PC §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.

218.3.8 TRAINING AND QUALIFICATION
The applicant must provide evidence of having met this requirement before a permit will be issued. Applicants must provide proof of having completed an approved handgun training course (of a minimum of eight hours) and having fired a minimum of 100 rounds with the weapons to be carried, from distances that include 3, 5 and 7 yards. The minimum passing score will be 75% within the target area of 12x16 inches. A training course must be completed which involves a certified course of instruction by an instructor certified by the State of California. The instructors D.O.J. certification number must be affixed to the issued certificate of training. The Basic Safety Course involving a test or the viewing of a video does not meet the training requirement.

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

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

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

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

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

The licensee shall notify this Department in writing within 10 days of any change of place of residency. If the licensee’s place of residence was the basis for the issuance of the permit and the licensee moves out of the county of issuance, the permit shall expire 90 days after the licensee has moved (PC §26210).
A non-refundable fee of $25.00, payable to the City of Fresno by Cashier’s Check or Money Order, is due at the time of renewal. In addition, the State Department of Justice charges a non-refundable fee of $52.00 for the concealed weapon permit renewal and payable to the California Department of Justice by Cashier’s Check or Money Order at the time of renewal.

218.4.3 MODIFICATION OF LICENSE FORM (AMENDMENTS)
A change of name, address, addition or deletion of a weapon, or other changes to the concealed weapon permit is considered a modification or amendment. A non-refundable fee of $10.00 is payable by Cashier’s Check or Money Order at the time of the modification or amendment.

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

218.5 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 shall confiscate the weapon and license for safe keeping and/or evidence.

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

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

In situations where the local background check information that is not ordinarily contained in routine state or federal background checks discloses disqualifying information, the Chief of Police at their discretion, may, in accordance with state law, deny the application. Upon such denial, the Chief of Police will disclose, in writing, such information to the rejected applicant that justifies said denial, including which requirement the applicant did not satisfy. Pursuant to PC §26205, the Chief shall give written notice to the applicant indicating that the CCW license is approved or denied within 90 days of
the initial application for a new license or renewal, or 30 days after receipt of the applicant’s criminal background check from the Department of Justice, whichever is later. The Chief of Police shall not be required to disclose a specific reason or reasons why an application was denied, if they determine that the disclosure of such reason or reasons would endanger the health, safety or security of the citizens of the City, or State.

218.7 DOCUMENTATION
When a concealed weapons license and/or weapon is confiscated, and no crime has taken place, a GI report shall be written, including the reason for confiscation, and forwarded to the CCW Coordinator.

218.8 CONFIRMATION OF LICENSE
A CCW License can be checked through ComCen. The following information should be obtained:
   (a) Expiration date; and
   (b) Restrictions (e.g. during business functions, only while at a specified location, etc.)

218.9 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 PC §§26150 et seq. and 26155 et seq., and after successful completion of a background check conducted by the CCW Coordinator.

218.10 ISSUANCE
All CCW licenses and renewals thereof shall be valid for a period allowed under PC §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.

218.11 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.
   (a) AUTHORIZED WEAPONS CHANGES: All changes in weapons authorized to be carried must be made pursuant to an amended application as required by State law.
   (b) 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.

218.12 RECORDS
The CCW Coordinator shall maintain records of:
   (a) The denial of a license;
   (b) The denial of an amendment to a license;
   (c) The issuance of a license;
   (d) The amendment of a license; and
   (e) 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 PC requirements.

218.13 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 their family shall not be considered public record [GC §6245(u)(1)].

218.14 MEMBERS WITH CCW LICENSES
Non-sworn members with a valid CCW license shall not carry their personal firearm at work.
220.1 POLICY
Upon honorable retirement from the Department, any full-time sworn officer, who had been authorized to, and did carry a concealed firearm during the course and scope of their employment, may be issued an identification card with a "CCW Approved" endorsement [Penal Code §25455].

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

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

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

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

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

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

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

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

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

220.3 MAINTAINING A CCW ENDORSEMENT
In order to maintain a "CCW Approved" endorsement on an identification card, the retired officer shall:
(a) 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);

(b) 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 [PC §26305(b)]; and

(c) Only be authorized to carry a concealed firearm inspected and approved by the Department.

220.4 CARRYING FIREARMS OUT OF STATE
Subject to 18 USC §926C and Policy §312, qualified retired officers of the Department may be authorized to carry a concealed weapon in other states.

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

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

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

220.5 MAINTAINING A CCW ENDORSEMENT WHILE RESIDING IN ANOTHER STATE
In order to maintain a CCW endorsement, retirees must:

(a) Have successfully passed an annual FPD background check indicating that they are not prohibited by Federal law from receiving or possessing a firearm;

(b) Not be under the influence of any alcohol or other intoxicating or hallucinatory drug or substance while carrying or otherwise in possession of a firearm; and

(c) Have, during the most recent 12-month period, successfully passed the standards for training and qualification for active law enforcement officers to carry firearms in their primary state of residence.

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

(a) Is a nonresident of this state and has met all of the conditions in 220.2 and 220.4 above;

(b) Must meet the standards for training and qualification for active officers in the retired officer's primary state of residence;

(c) Must submit, in acceptable size and format, two recent facial color photographs or a recent digital image; and

(d) Must submit, in acceptable size and format, fingerprints or digital image (10 print cards).

220.5.1 RETIRED FPD OFFICERS LIVING OUTSIDE 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:

(a) Contact the Personnel Bureau and request a CCW packet;

(b) Contact local law enforcement agency of residence and schedule a range qualification date; and

(c) Have the local agency of residence return the required paperwork to the Department by mail.

The CCW packet contains the following forms:

(a) 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.

(b) 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. (c) 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 finger-prints, by mail, to the Fresno Police Department, Personnel Bureau. These must be mailed by the local agency, not mailed by the retired officer.

220.6 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 [PC §25460(c)]:

(a) Photograph of the retiree;
(b) Retiree's name and date of birth;
(c) Date of retirement;
(d) Name and address of this Department; and
(e) A stamped endorsement "CCW Approved" along with the date by which the endorsement must be renewed (not more than one year).
(f) In the case in which a CCW endorsement has been denied or revoked, the identification card shall be stamped, "No CCW Privilege."

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

220.8 OUT OF TOWN / STATE AGENCY RETIRED OFFICERS
It shall be the policy of this agency to provide reciprocal services to retired law enforcement officers from other jurisdictions/states that reside within the city limits, and seek to renew a CCW endorsement issued by the law enforcement agency from which they retired in good standing. Only those officers who qualify under HR 218, the Law Enforcement Officers Safety Act (LEOSA), who present this agency with a signed affidavit of compliance, shall be provided services, to include:

(a) Verification of identification;
(b) Range qualification; and
(c) Completion of a Liability Waiver.

220.9 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:

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

220.9.1 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.

220.9.2 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, appealing only to the Chief of Police, whose decision is final.

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

220.9.3 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 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:
(a) Carry a machine gun, silencer, or other destructive device;
(b) Act in the capacity of a law enforcement officer of the Fresno Police Department;
(c) 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
(d) 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.).
221.1 POLICY
The Department utilizes various programs and positions within the Agency to further its mission. These do not fall within the normal patrol/investigative functions but may support these and other functions within the Department.

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

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

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

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

Case Evaluation - The commander of any section or bureau may request legal evaluation of any case which requires an opinion of the Legal Advisor. The request for the evaluation shall be in writing. All pertinent documents should accompany the request. Case evaluations may be verbal or written.
Requests for Legal Opinions of the City Attorney, DA or Attorney General - Requests for outside legal opinions shall be reviewed by the Legal Advisor prior to transmittal. The Legal Advisor, when appropriate, will prepare a detailed Memorandum of Law concerning the subject matter of the request. The Memorandum of Law shall be transmitted with the request and filed with the Chief of Police.

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

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

Training - The Legal Advisor shall review the curriculum of the Training Bureau and shall advise the Training Bureau Commander with respect to the legal aspects of the training program. The Legal Advisor shall be available for the purpose of delivering lectures on appropriate subjects to training classes. The Legal Advisor shall assist in the development of comprehensive training programs and aids designed to train the members of the Department to work within the framework of legal requirements.

Public Information - The Legal Advisor shall be available to advise the Chief of Police regarding the release of information to the public. In addition, the Legal Advisor shall be consulted by members on matters that involve possible civil liability, libel, and slander.

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

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

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

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

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

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

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

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

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

Labor Negotiations - The Legal Advisor shall take no part in Department labor negotiation proceedings.
Reports - All written legal opinions of the Legal Advisor shall be in a form approved by the City Attorney. Memos shall be written in the standard Department format.

Other Duties - The Legal Advisor will be called, pursuant to staff officer authorization, at any time there is a question of civil liability on the part of the City or any member. The Legal Advisor shall perform other duties as may be assigned by the Chief of Police or the City Attorney.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

224.4 FINDINGS BY THE COMMITTEE
Generally, within thirty days, the findings and recommendations will be forwarded in writing to the Police Department’s Legal Advisor. After review, the Legal Advisor will forward the report to the Chief of Police. The report shall not be considered in any disciplinary action, nor shall it be admitted in any disciplinary proceeding. When approved by the Chief of Police, a staff member will be assigned responsibility for required follow-up action.

224.5 OFFICER RIGHTS AND RESPONSIBILITIES
Nothing in this policy shall be construed or understood as a waiver of any rights or privileges that may be held by individual officers involved in the incident being reviewed.
225.1 POLICY
Administrative reports within the Department are completed to ensure that the goals and objectives of the Department are being met.

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

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

225.3 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.

225.4 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.

(a) Supervisors shall also provide this information to the appropriate district or bureau commander via voice mail.
(b) 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.
(c) The affected district or bureau commander shall have administrative responsibility for ensuring completion of required documentation.

225.4.1 COMPLETION TIME LINES
(a) Pursuit and accident reviews shall be completed by assigned supervisors and forwarded to the appropriate Department review officer within 10 days of the incident.
(b) The review officer shall submit the completed review package to the affected district or bureau commander within 14 days of the incident.
(c) 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.
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227.1 POLICY
No person shall be permitted access to the secure portions of any police facility unless they have lawful business that requires access.

227.1.1 PURPOSE AND SCOPE
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.

227.2 MEMBER ACCESS
227.2.1 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.

227.2.2 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.

227.3 VISITOR ACCESS
227.3.1 OTHER LAW ENFORCEMENT PERSONNAL
Law enforcement personnel from other agencies may enter HQ by displaying their ID affixed in a prominent place on their outer clothing.

227.3.2 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 their departure time logged by the lobby guard.

227.3.3 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.

227.3.4 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.

227.4 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.
227.5 BUILDING SECURITY
No person shall be permitted access to any police facility unless they have 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.

227.5.1 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:

(a) ComCen;
(b) Computer room;
(c) PECS;
(d) Internal Affairs Bureau;
(e) Office of the Chief of Police;
(f) Personnel Bureau;
(g) Fiscal Affairs Bureau;
(h) Special Investigations Bureau;
(i) Street Violence Bureau;
(j) Planning & Research Bureau;
(k) Training Bureau;
(l) Crime View Bureau;
(m) ISB;
(n) Magec;
(o) Background Investigations Unit;
(p) Pine Street Facility;
(q) Skywatch;
(r) CLO/PLO;
(s) Patrol Division offices;
(t) Armory; and
(u) 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.
300.1 POLICY
It is the policy of the Department that officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code §835a).

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

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

300.2 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.

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

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

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

300.4 PROFESSIONAL CONDUCT
This policy recognizes the evolving nature of case law as it relates to police tactics and evolving responsibility when assessing the apparent need for an application of force. This individual responsibility must include a reasonable judgment based on the information then available to the Department member and on the practical application of force option to achieve a legitimate police objective.
300.5 OBJECTIVELY REASONABLE FORCE
Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose their right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (PC §835a).

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

300.5.1 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 totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (PC §835a).

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

300.5.2 CONSTITUTIONAL GUIDELINES FOR REASONABLE FORCE
Both Federal and State law authorize Peace Officers to use objectively reasonable force to accomplish a legitimate law enforcement mission. There are five recognized objectives that serve as the basis for the reasonableness of any police use of force. The five lawfully recognized objectives are:
(a) Self-defense;
(b) Defense of others;
(c) Effect an arrest or detention;
(d) Prevent an escape; or
(e) Overcome resistance.

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

300.5.3 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:
(a) Seriousness of suspected offense or reason for contact with the suspect;
(b) The apparent immediacy and severity of the threat to officers or others (PC § 835a);
(c) Whether the individual appears to be resisting, attempting to evade arrest by flight or is attacking the officer;
(d) The conduct of the individual being confronted, as reasonably perceived by the officer at the time;
(e) The individual’s apparent mental state or capacity (PC §835a);
The individual's apparent ability to understand and comply with officer commands (PC §835a);

Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others;

Proximity of weapons or dangerous improvised devices available to suspect;

The availability of other reasonable and feasible options and their possible effectiveness (PC § 835a);

The effects of drugs/alcohol;

Potential for injury to officers, suspects and others;

Training and experience of officer(s);

The conduct of the involved officer (PC§ 835a)

Risk and reasonably foreseeable consequences of escape;

Officer/suspect factors (i.e., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. suspects, etc.);

The degree to which a suspect has been effectively restrained and their 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 or awareness of any propensity for violence; and

Any other exigent circumstances.

**300.6 JUSTIFICATION - KNOWN FACTS**

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

**300.7 NON-DEADLY FORCE APPLICATIONS**

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

**300.8 DEADLY FORCE APPLICATIONS**

As used in all Department documents, the terms "deadly force" and "lethal force" are used interchangeably and have the same meaning. 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. While the discharge of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or serious bodily injury.

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force is only justified in the following circumstances (PC §835a):

(a) An officer may use deadly force to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury to the officer or another person.

(b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, the officer shall, prior to the use of force, make reasonable efforts to identify
themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

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

An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer’s subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (PC §835a).

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

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

In circumstances 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 policy 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 an Admin Review Memo through their chain of command outlining the circumstances and justification for the discharge of a firearm at a dangerous animal.

300.8.2 INJURED ANIMALS
Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. Abandoned injured animals (with the exception of dogs and cats) may only be euthanized after reasonable search to locate the owner has been made. Members who find injured dogs and cats without their owners shall contact the SPCA or other facility contracted with the City of Fresno to take possession of the animal. The animal shall then be taken to an appropriate veterinarian for determination of whether they should be treated or humanely euthanized (PC §597.1).

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

300.8.3 WARNING SHOTS
Warning shots are only permitted in situations where warning shots provide the potential ability to diffuse an escalating and potentially life-threatening incident. Department members shall only fire warning shots if the situation presented would otherwise justify a use of deadly force. Members are never required to fire any warning shots prior to the use of deadly force.

300.8.4 MOVING VEHICLES
Shooting at or from moving vehicles is rarely effective and can be hazardous to both innocent persons and officers. Firearms shall not be discharged at a moving vehicle or its occupants unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle itself. Members shall employ all reasonable means available to move to an area of safety if a vehicle becomes a threat, including retreating from the threat if necessary.
Department members shall avoid maneuvering into the path of an occupied vehicle and shall move out of the path of a moving vehicle rather than attempt to fire at the vehicle or its occupants. However, in rare isolated situations 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.

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

300.8.6 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 §310 in regards to an accidental discharge.

300.9 Reportable Force Defined
Reportable force has occurred when:
   (a) Members (including canines) use force and a person is injured, has expressed a complaint of pain, or has been rendered unconscious;
   (b) Members strike a person with a body part (e.g., fist, foot, elbow, etc.) or any object (e.g., flashlight, clipboard, etc.); or
   (c) 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, they 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.

300.9.1 DOCUMENTATION OF REPORTABLE USE OF FORCE
Members shall document all of the following information when reportable force occurs:
   (a) Reason for the initial contact;
   (b) Subject’s behavior that required the use of force;
   (c) Type of force used;
   (d) If the initial force used was adequate or if repeated applications were required and level of resistance;
   (e) If equipment functioned properly;
   (f) If the subject attempted to take control or took control of the officers’ weapons;
   (g) If the officer/subject was injured;
   (h) Witness statements; and
   (i) 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 AXON Records shall click on the “Incident Overview” card. Under the “Case Factors > SPECIAL FACTORS” section, members will check the box that says “Force Used.”

300.9.2 MEDICAL TREATMENT
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;
   (d) Received a Taser™ application (Medical treatment for Tasers is outlined in Policy §309); or
   (e) 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.

300.9.3 SUPERVISOR’S DOCUMENTATION OF REPORTABLE FORCE
When a supervisor is notified that reportable force occurred, they shall
   (a) Prepare a Use of Force Form using the BlueTeam web interface (Refer to Policy §349); and
   (b) Forward via BlueTeam through the supervisor's chain of command.

300.9.4 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 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.

300.10 ADMINISTRATIVE LEAVE
Any member who seriously injures or causes the death of any person through any act occurring on-duty shall be placed on administrative leave until the member can meet with a competent mental health professional.

300.11 REPORTING TO THE CALIFORNIA DEPARTMENT OF JUSTICE
Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code §12525.2.
301.1 POLICY
In order to control subject(s) who are violent or who poses an immediate threat, the Fresno Police Department authorizes officers to use Pepper Projectile Systems (PPS) in accordance with the guidelines in this policy and the Use of Force Policy.

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

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.

301.2 USE OF THE PEPPER PROJECTILE SYSTEM (PPS)
As with any law enforcement equipment, the PPS has limitations and restrictions requiring consideration before its use. The PPS should only be used when its operator can safely approach the subject within the operational range of the PPS. Although the PPS is generally effective in controlling most individuals, members should be alert to the potential for failure and be prepared with other options.

301.2.1 CARRYING THE PPS
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).

301.2.2 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:
   (a) Provide the individual with a reasonable opportunity to voluntarily comply; and
   (b) 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.

301.2.3 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.
301.3 APPLICATION OF THE PPS
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) 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, themselves or others.
      1) 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.

301.3.1 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:
   (a) Distance and angle to target;
   (b) Type of munitions employed;
   (c) Type and thickness of subject's clothing;
   (d) The subject's proximity to others;
   (e) The location of the subject; and
   (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

301.3.2 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:
   (a) Pregnant females;
   (b) Elderly individuals or obvious juveniles;
   (c) Individuals who are handcuffed or otherwise restrained; or
   (d) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

301.3.3 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.

301.3.4 MEDICAL TREATMENT
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 they are released to the care of paramedics or other medical personnel.

301.4 REPORT OF USE
All PPS discharges shall be reported to a supervisor as soon as practical and documented in the related police report.
301.4.1 MEMBERS RESPONSIBILITIES
The police report shall include:
   (a) The complete circumstances surrounding the use of a PPS;
   (b) Name of the Department member using the PPS;
   (c) Verbal warnings if given or reason for not doing so;
   (d) Number of applications; and
   (e) 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.

Spent pepper munitions still have the irritating effect 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.

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

301.5 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 designee) 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.

301.6 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 irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner’s expense. Information regarding the method of notice and the individuals notified should be included in related reports.

301.7 TRAINING FOR PPS
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.
   (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
   (b) All training and proficiency for control devices will be documented in the officer’s training file.
   (c) Officers who fail to demonstrate proficiency with the control device or knowledge of the Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of the Use of Force Policy after remedial training, the officer will be restricted from carrying the control device.
   (d) Officers shall demonstrate proficiency in use of the PPS on an annual basis

301.7.1 EQUIPMENT AND 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 inspection shall be documented.
301.8 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) A completed Inquiry/Complaint Form (ICF), or Receipt of Complaint (ROC) memo;
(b) Loss Notice Report; and
(c) All other related documentation.
302.1 POLICY
Only remote restraint devices (RRD) and cartridges issued by the Department shall be used by officers and only after the officers have successfully completed a Department approved training course on its proper use and deployment.

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

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.

302.2 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.

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

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.

302.3.1 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 they are 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.

302.4 APPLICATION OF THE RRD
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, themselves 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.

302.4.1 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:

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

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.

302.4.2 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).

302.4.3 EVIDENCE COLLECTION
When members utilize the RRD:

(a) 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;
(b) Prongs shall be disposed of in “sharps containers” located in all District stations and the PECS booking area; and
(c) 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.

302.4.4 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:

(a) Provide the individual with a reasonable opportunity to voluntarily comply; and
(b) 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.
**302.5 REPORT OF USE**
All RRD discharges shall be reported to a supervisor as soon as practical, and documented in the related report.

**302.5.1 MEMBERS 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.

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

**302.6 MEDICAL TREATMENT**
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.

**302.7 REMOVAL OF REMOTE RESTRAINT DEVICE CORD**
When deciding whether to remove a RRD Kevlar cord or leave in place, officers should balance officer safety concerns with factors that include, but are not limited to:
- (a) The circumstances or crime leading to the deployment of the RRD; and
- (b) 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.

**302.8 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.
- (a) Proficiency training shall be monitored and documented by a certified, RRD instructor.
- (b) All training and proficiency for control devices will be documented in the officer’s training file.

**302.8.1 FAILURE TO DEMONSTRATE**
When a member fails to demonstrate proficiency in the use of an authorized force option, they 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 level of proficiency, shall be referred to their Division Commander through the Training
Section Commander. 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.

302.8.2 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.

302.9 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, and 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.

302.10 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; and
   (c) All other related documentation.
303.1 POLICY
Unless advised otherwise by a reporting party, members will respond to all burglary, theft and alarm calls for service, as though they were "in progress", exercising caution and making safety a priority.

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

303.2 BURGLAR ALARMS AND BURGLARIES IN PROGRESS
303.2.1 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.

303.2.2 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.

303.2.3 SEARCH OF PREMISES
When entry is suspected or when there is reason to believe that a suspect is still inside:
(a) At least two officers shall be posted at opposite corners on the exterior of the premises to secure against exit attempts by suspects;
(b) 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;
(c) Officers shall exercise every precaution to prevent the destruction of evidence during the search; and
(d) 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.

303.2.4 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
303.3 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.

303.2.5 FALSE ALARM NOTIFICATION
When a false alarm has occurred, a False Alarm Notification card shall be completed.
   (a) The card shall be left in a conspicuous and secure place near the main door or gate.
   (b) Officers shall make a note in the event report that a card was left;
   (c) The disposition code “E” for a false alarm call shall be used to clear the event.

303.3 SECURING OPEN PREMISES
Members encountering an unsecured building shall attempt to contact a responsible party to have them respond to secure the premises.
   (a) Upon successful contact, the officer shall stand by the premises until the responsible party arrives, when a reasonable ETA is given by the party.
   (b) 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.

303.3.1 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.

303.3.2 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.

303.3.3 SECURING VACANT STRUCTURES
The FFD is responsible for arranging for permanent securing of vacant commercial structures.
   (a) The ComCen shall notify the Fire Prevention Bureau of the need to secure such a structure.
   (b) 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 City Attorney's Office – Community Compliance Unit (Code Enforcement).
   (a) Security guards shall not be used to secure these structures.
   (b) When a member finds a vacant apartment or residential structure unsecured they shall notify ComCen of the circumstances.
   (c) The ComCen shall notify the Housing Standards Office of the Community Compliance Unit of the unsecured structure.

303.3.4 SECURITY GUARD PROTOCOLS
When a guard is requested by a Department member, they shall remain at the scene until one of the following occurs:
   (a) A person responsible for the business is contacted by the ComCen and responds or declines to take control of the premises;
   (b) 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
   (c) The guard will notify the ComCen once the building is secured.
303.4 BURGLARY AND THEFT VICTIM FORM LETTERS
Members conducting an initial investigation of a burglary shall furnish a Burglary/Theft Form Letter to the victim.
   (a) The form letter shall also be distributed to victims of all petit and grand thefts;
   (b) The issuing member shall complete the blanks on the front of the form and instruct the victim on the use of the letter; and
   (c) 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.

303.5 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 Axon Records and include an adequate description of the item(s) including serial number (Penal Code §11108). The property information shall be forwarded to Teletype through Axon Records.

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 Axon Records shall be completed with sufficient detail to permit identification of the item. The property information shall be forwarded to Teletype through Axon Records.
305.1 POLICY
All reports of vehicle thefts shall be investigated to the fullest potential allowed by available resources as outlined within this policy.

305.1.1 PURPOSE AND SCOPE
Members shall reasonably attempt to contact the party reporting a vehicle theft and the registered owner of the vehicle being investigated. Members shall attempt to determine the disposition of the vehicle and report the appropriate related crime and disposition (e.g., possible stolen, stolen, possible embezzled, impounded, repossessed, recovered, etc.)

305.2 PRELIMINARY INVESTIGATION
Members shall determine if the payments are current and there is no possibility of repossession.
(a) Where repossession is possible, members shall contact the Records Section to determine if the vehicle has been reported as repossessed (VC §28).
(b) No report is written when a vehicle has been repossessed.

Members shall determine the location from which the vehicle is missing.
(a) 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.
(b) Members shall contact the Records Section to check for any pending entries not yet entered into teletype of vehicles removed from private property. Members shall also 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.

305.3 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. Teletype shall be notified on all stolen vehicles.

Possible stolen vehicles shall be documented as such. Possible stolen vehicles are NOT entered into teletype. These reports should be routed to CCAT for further investigation and possible upgrading.

305.4 EMBEZZLED VEHICLES
When the owner (including car dealers) of a vehicle gave permission for a person, whose identity is known to them, 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:
(a) File a criminal complaint against the suspect;
(b) Appear in person at the District Attorney’s (DA’s) Office to sign a criminal complaint; and
(c) Pay for towing and storage of their vehicle when located by a law enforcement agency; they 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.
(a) 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.
(b) The RP shall be instructed to contact the appropriate District Investigations unit to pursue a criminal complaint.
(c) All rental or lease vehicles shall immediately be entered into the Stolen Vehicle System as *stolen* with an indication in the miscellaneous field “Embezzled Rental Vehicle”.

### 305.5 REPORT TITLES
All reports of Part 1 criminal offenses, in which a vehicle is stolen, will be titled using the highest offense committed.

### 305.6 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. *Each vehicle shall be submitted to teletype.*

### 305.7 REPORTING DEALER LICENSE PLATES
When taking reports involving dealer license plates, members shall obtain not only the number on the center of the plate, but also the two-digit number in the lower right-hand corner of the plate.

### 305.8 BOATS AND TRAILERS
When a boat and trailer are stolen, the incident shall be reported as a vehicle theft. *Each shall be entered separately as stolen.*

### 305.9 NOTIFICATION OF TELETYPE
Members shall notify the teletype operator via *Axon Records* as soon as practical after the report is taken. This is accomplished by selecting the ‘Submit to Teletype’ button on the vehicle tab once all pertinent information is entered. When *Axon Records* is unavailable, the member shall phone teletype with this information for a worksheet.

### 305.10 REQUIRED ENTRIES IN AXON RECORDS

#### 305.10.1 INCIDENT OVERVIEW:
(a) Title of the report *for Recovered Other Agency Stolen:* The pull down charge menu from DOJ will be selected as *G/General Incident.*

#### 305.10.2 OFFENSES:
(a) For recoveries of outside agency stolen vehicles, where there is no other charge, *GISV/Recovered out of Town Stolen* shall be used as the charge.

#### 305.10.3 NAMES TAB:
(a) The Victim’s Name *for Recovered Other Agency Stolen:* 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.
(b) On FPD stolen recoveries, the victim’s name is in the Original report and **DOES NOT** go into the supplemental report.

#### 305.10.4 VEHICLE TAB:
(a) Stolen Vehicle Report for FPD *Stolen:* The vehicle information **shall** be placed under the vehicle tab with the involvement code as *Stolen.*
(b) Stolen Vehicle Recovery for FPD *Stolen:* The stolen vehicle information shall be placed in the Supplemental Report with involvement code as *Recovered Stolen.*
(c) Stolen Vehicle Recovery *for Recovered Other Agency Stolen:* The stolen vehicle information shall be placed in the Original Report with the involvement code as *Recovered outside Agency Stolen.*

1) The reporting agencies name, date reported stolen and case number shall be added.
(d) Descriptors Box: This box shall always be filled out on ALL VC §10851 Reports and Recoveries.

305.11 STOLEN VEHICLE RECOVERIES
305.11.1 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.
   (a) The supplemental shall contain a vehicle recovery date, time, and location.
   (b) 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.

305.11.2 VEHICLE PROCESSING
Members who recover a stolen vehicle are responsible for examining the vehicle for evidence including processing for latent prints.
   (a) When the vehicle is not dusted for latent prints, the member's report shall reflect the reason why.
   (b) The report should also contain the specific location of any recovered latent prints.

305.11.3 TELETYPE NOTIFICATIONS
When any stolen vehicle is recovered, the recovering member shall advise Teletype of the vehicle license number and recovery codes. *Teletype can be reached at 621-2541 or 621-2542. Teletype is staffed by dispatch between 0130 to 0615 hours.*

305.11.4 RP NOTIFICATION
One attempt shall be made to notify an RP of a vehicle's recovery.
   (a) Notification shall include the location of the vehicle and vehicle condition at the time of recovery.
   (b) 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.
   (c) 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.

305.11.5 VEHICLE REMOVAL
Stolen vehicles recovered by members should be stored unless successful RP notification has been made.
   (a) Exceptions to this policy must be approved by a field supervisor.
   (b) Recovered stolen vehicles shall not be impounded except as necessary to preserve or recover evidence which the recovering member is unable to process themselves.
306.1 POLICY
The Fresno Police Department authorizes the use of restraint devices in accordance with this policy, Use of Force related policies and Department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

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

306.2 DEFINITIONS
Auxiliary Restraint Devices – Transport belts, waist or belly chains, transportation chains or leg irons and other similar devices 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.

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

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

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

The following applies when a person is initially arrested and during the transportation of an arrestee:
(a) Suspects arrested for felonies shall be handcuffed. Disabled or injured suspects shall be controlled as safely as possible with proper consideration for their condition;
   1) Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others (Penal Code §3407; PC §6030);
2) Juveniles under 14 should not be restrained unless suspected of a dangerous felony, or the 
officer reasonably suspects the juvenile may resist, attempt to escape, injure themselves or 
others, or damage property;
(b) Suspects arrested for misdemeanors may be handcuffed at the discretion of the arresting 
officer. The arresting officer shall take appropriate measures to prevent escape or harm to other 
persons;
(c) When applying handcuffs, the subject’s hands should be secured behind their back with the 
palms facing outward;
(d) The handcuffs shall be double-locked whenever possible;
(e) Officers shall periodically inspect all handcuffed subjects to minimize the potential for injury from 
movement of the handcuffs; and
(f) 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.

306.4.1 RESTRAINT OF DETAINEEES
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:
(a) Such situations are generally considered detentions, rather than actual arrests;
(b) 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;
(c) 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
(d) 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.

1) Officers who release restrained persons pursuant to PC §849(b) shall complete the 
Certificate of Release Form (refer to Policy §355).

306.4.2 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.

306.5 APPLICATION OF SPIT HOODS OR MASKS
Spit hoods or masks are temporary protective devices designed to prevent the wearer from biting 
and/or transferring or transmitting fluids (saliva and mucous) to others.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate 
ventilation and so that the restrained person can breathe normally. Officers should provide assistance 
during the movement of 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 may be placed upon persons in custody when the officer reasonably believes the person will 
bite or spit, either on a person or in an inappropriate place. They are generally used during application 
of a physical restraint, while the person is restrained, during or after transport.

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

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

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. Only Department-approved devices may be used. Any person in auxiliary restraints should be monitored during transport as reasonably appears necessary.

306.7 APPLICATION OF LEG RESTRAINT DEVICES
Leg restraints (i.e. hobble restraint) may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only 48” strap style hobble leg restraint devices (e.g. RIPP Hobble) shall be used.

In determining whether to use the leg restraint, officers should consider:
(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect;
(b) Whether it is reasonably necessary to protect the suspect from their own actions (e.g., hitting their head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers); and
(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

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:
(a) 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;
(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat;
(c) Once secured, the person should be placed in a seated or upright position, and shall not be placed on their stomach, as this could reduce the person's ability to breathe (e.g. “positional asphyxia”);
(d) 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 their stomach;
(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition; and
(f) 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.

(g) When the suspect cannot be transported in a seated position they SHALL be taken by ambulance/paramedic unit.

1) 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).
306.8 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.

306.9 DOCUMENTATION
If an individual is arrested, the use of handcuffs or other restraints shall be documented in the related report.

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

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

306.10 TRAINING
Subject to available resources, the Training Manager should ensure that officers receive periodic training on the proper use of handcuffs and other restraints.
Policy 307

Petty Thefts

307.1 POLICY
Members shall prepare a crime report on petty thefts of gasoline, beverages, food, cigarettes, etc. from businesses only when:

(a) A suspect is in custody; or
(b) There is any information that may result in identification of the suspect (i.e. a vehicle license plate); or
(c) There is evidence of another crime present which requires reporting.

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

307.2 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 §307.1.

(a) 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 to complete an eReport with the available information.

(b) When the RP is aware of the eReporting procedure, they shall be advised to submit the eReport. A broadcast of suspect and suspect vehicle information should be made by the ComCen.

307.2.1 REPORTING PROCEDURES
Members shall prepare a crime report on petty thefts of gasoline, beverages, food, cigarettes, etc. from businesses only when:

(a) A suspect is in custody; or
(b) There is any information that may result in identification of the suspect (i.e. a vehicle license plate); or
(c) There is evidence of another crime present which requires reporting.

307.2.2 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 Policy §354.

307.2.3 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 Policy §354.

307.3 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.

This program shall only be used when the criteria in the Reporting Procedures section are not met.
308.1 POLICY
Department members shall only utilize force options authorized by the Department and in a manner consistent with training, to control violent or threatening suspects.

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

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

Exception: Weapons of Necessity

The Department authorized force options, in addition to the weapons of necessity as defined below, include the following:

308.2.1 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.
  (a) 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;

308.2.2 OLEORESIN CAPSICUM (OC) SPRAY
Uniformed officers should take their issued OC spray to any call that has the potential for the use of force;

308.2.3 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;

308.2.4 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;

308.2.5 CAROTID RESTRAINT HOLD
*Per the City of Fresno Resolution 20-140, dated 06/19/2020, the Fresno Police Department is prohibited from using the carotid restraint hold unless such use is for the preservation of life or to prevent serious bodily injury. The officer shall have received Department approved training in the use and application of the carotid restraint hold. The Department shall not use choke holds or strangle holds for any reason.*
Any individual who has been subjected to a carotid restrain 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:

(a) 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;
(b) Promptly notify a supervisor of the use or attempted use of such hold; and
(c) Thoroughly document the use or attempted use of the carotid restraint hold in any related reports.

308.2.6 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:

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

308.2.7 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;

308.2.8 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.

(a) 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.
(b) 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.
(c) Storage of less lethal impact projectiles shall, when practical, be in accordance with manufacturer's recommendations.
(d) Munitions that have been removed from their original container shall be clearly and conspicuously identified as less lethal to prevent confusion with lethal munitions.
(e) 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.
(f) 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:

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

308.2.9 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.
308.2.10 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.

308.2.11 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.

308.3 WHEN FORCE OPTIONS MAY BE USED
When a decision has been made to restrain or arrest a suspect, approved force options may only be used when their use appears reasonable under the circumstances. The safety of hostages, innocent persons, and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

A verbal warning, when feasible, should precede the application of the chosen force option, unless it would otherwise endanger the safety of members or when it is not practical due to the circumstances. The purpose of the warning is to:

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

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.

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

308.4 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.

308.5 MEDICAL TREATMENT
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;
(d) Received a Taser™ application (Medical treatment for Taser’s is outlined in Policy §309); or
(e) 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.

308.6 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.

308.6.1 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:
(a) 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);
(b) Department sanctioned and properly supervised simunitions training; or
(c) Department sanctioned and properly supervised training utilizing other Department approved training munitions.

308.6.2 FAILURE TO DEMONSTRATE PROFICIENCY
When a member fails to demonstrate proficiency in the use of an authorized force option, they 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 their supervisor that details the circumstances surrounding the failure to train/qualify. The supervisor shall immediately forward the information to the Training Section Commander.
309.1 POLICY
Only electronic control devices (ECDs) & dart cartridges issued by the Department shall be used by officers and only after the officers have successfully completed a Department approved ECD training course on its proper use and deployment.

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

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

309.2.1 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.

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.

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:

(a) All ECDs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device;
(b) When practical, members should carry a total of two or more ECD cartridges on their person when carrying an ECD;
(c) Members shall be responsible for ensuring that their issued ECD is functioning properly by conducting a pre-shift spark test;
(d) The ECD should not be drawn with the member's gun hand or dominant hand; and
(e) Members should never hold both a firearm and the ECD at the same time.

309.2.2 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:

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

309.3 APPLICATION OF THE ECD
Authorized personnel may use the ECD when circumstances known to the member at the time indicate that such application is reasonable to control a person in any of the following circumstances:

(a) A violent or physically resisting subject; or
(b) A subject who, by words or action has demonstrated an intention to be violent or who poses an immediate threat to officers, themselves or others.
   1) When practical, the member should give a verbal warning of the intended use of the ECD followed by a reasonable opportunity to voluntarily comply.
   2) 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.

309.3.1 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:

(a) Whether the probes or darts are making proper contact;
(b) Whether the application of the ECD is interfering with the ability of the individual to comply; and
(c) Whether verbal commands, other options or tactics may be more effective.

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

309.4 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:

(a) Pregnant females;
(b) Elderly individuals or obvious juveniles;
(c) Individuals with obviously low body mass (e.g. extremely thin or emaciated);
(d) Individuals who are handcuffed or otherwise restrained;
(e) Individuals who have been recently sprayed with a flammable chemical or who are otherwise in close proximity to any flammable material; or
(f) 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.
309.4.1 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.

309.5 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 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 they are released to the care of paramedics or other medical personnel.

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

309.6.1 MEMBERS RESPONSIBILITIES
The police report shall include:
(a) The complete circumstances surrounding the use of an ECD;
(b) Name of the Department member using the ECD;
(c) Serial number of the ECD used;
(d) Serial number of the ECD cartridge(s) used;
(e) Model of the ECD used;
(f) Verbal warnings if given or reason for not doing so;
(g) Number of applications and duration of applications (e.g. 3 sec., 5 sec., etc); and
(h) Location and description of application sites.

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

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

309.7 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.

309.8 EVIDENCE COLLECTION
When members utilize the ECD:
(a) Expended ECD cartridges, probes and wires shall be booked into evidence under the case number;
(b) Probes shall be packaged in a manner that protects against accidental exposure; and
(c) 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.

309.9 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.
310.1 POLICY
The Department is committed to investigating officer involved shootings (OIS) to ensure member compliance with state and federal mandates, and with Department policy. An OIS investigation shall be initiated whenever a member intentionally uses deadly force against another person, and will not apply for situations involving warning shots only, dog OIS’s, or unintentional weapon discharges that do not result in the injury or death of any person.

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

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

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

310.2 DUTIES OF INITIAL ON SCENE SUPERVISOR
Upon arrival at the scene of an officer involved shooting (OIS), the first uninvolved supervisor shall:
(a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals unless already requested, and secure the scene(s);
   1) Of any weapons that need to be secured or protected.
(b) When necessary, take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel;
(c) Obtain a public safety statement from the involved officer, limited to the following:
   1) Identification of officer(s) who discharged their firearm(s);
   2) Approximate number of rounds fired and direction fired;
   3) Whether or not suspect(s) fired any rounds;
   4) Location of any possibly injured persons;
   5) Location of any witnesses;
   6) Approximate location of officer when their weapon was discharged; and
      I. Description of suspect:
      II. Mode and direction of travel;
      III. Time elapsed since departure;
      IV. Crimes they are wanted for;
      V. Location of any weapons that need to be secured or protected.
When necessary, compel the involved officer to provide public safety information;
(d) Attempt to obtain any additional necessary information from witness officers on-scene, when available;
(e) Provide involved and witness officers with an admonition not to discuss the incident pending further direction;
(f) Provide all necessary information to the Field Commander and the ComCen. When feasible, sensitive information should be communicated over secure networks;
(g) Brief arriving investigators and staff members regarding the information they obtained from the involved or witness officers;
(h) Ensure the involved officers are provided a secure location to await for the arrival of OIS investigators; and
(i) 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).

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

310.2.1 INVOLVED MEMBER(S)
As soon as possible, when the scene is secure and there are sufficient personnel present to continue with the investigation, the involved member(s) should be removed from the immediate scene and not further participate in investigative activities (e.g. searching, interviewing, contacting witnesses, etc.).

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.

310.2.2 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.

310.2.3 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.

310.3 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 Administrative Review Memo.

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:
   (a) Intentionally discharges a firearm at a person;
   (b) Accidentally discharges a firearm resulting in the injury or death of any person;
   (c) Intentionally utilizes a vehicle to strike or attempt to strike a pedestrian suspect; or
   (d) 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:

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

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

310.3.2 CRIMINAL INVESTIGATION
The Fresno Police Department Homicide Unit is responsible for the criminal investigation of any OIS involving a Fresno Police Officer that occurs within the City of Fresno (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.

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

310.3.4 ALLIED AGENCY OFFICER WITHIN THIS JURISDICTION
The Fresno Police Department is responsible for conducting the criminal investigation whenever an officer from an allied agency is involved in an OIS within the City of Fresno.

310.3.5 FRESNO POLICE OFFICER IN ANOTHER JURISDICTION
The agency where the OIS occurred has criminal jurisdiction and is responsible for conducting the criminal investigation of the incident. That agency may relinquish its authority to conduct a criminal investigation to another agency upon mutual agreement.

310.3.6 ADMINISTRATIVE INVESTIGATION
The Department will conduct an internal administrative investigation into any OIS involving a Fresno Police Officer to determine conformance with Department policy. This investigation will be conducted under the supervision of the Internal Affairs Bureau and will be considered a confidential peace officer personnel file.

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.

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

310.3.7 CIVIL LIABILITY INVESTIGATION
A civil liability investigation will be conducted regarding any OIS involving a Fresno Police Officer to determine facts which would establish or refute the civil culpability of the member involved in a shooting. All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation, but shall be given reasonable access to all other investigations.

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.

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

### 310.4 OIS INVESTIGATION PROCESS

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

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

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

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 Policy §340

#### 310.4.1 INVESTIGATION STATUS UPDATE

In the event of a fatal OIS, the Chief of Police or their 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.

### 310.5 OFFICER INVOLVED SHOOTING REVIEW COMMITTEE (OISRC)

The OISRC is separate from the OIS investigation process. The OIS review is not intended to determine violations of policy, procedure, or whether or not an OIS is legally justified.

The purpose of the OISRC is to:

- (a) Provide timely feedback to the involved officers;
- (b) Provide timely feedback to staff and Department members;
- (c) Evaluate the need for policy review;
- (d) Evaluate training needs; and
- (e) Evaluate equipment needs.

The OISRC shall consist of the following members:

- (a) The involved officer’s Bureau Captain (committee chairperson) and Section/District Commander (or Captain as designated by the Division Commander);
- (b) Legal Advisor or designated representative;
- (c) SWAT Commander or designated SWAT supervisor;
- (d) Regional Training Center Commander or designated Regional Training Center supervisor;
  - 1) When possible, this should be the same representative that responded to the OIS scene.
(e) Policy and Procedures Unit representative; and
(f) FPOA representative.

The Office of Independent Review will be invited to the OISRC meeting and may attend at their 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) A synopsis of the OIS incident;
(b) The need for policy review (if applicable);
(c) Department training needs identified (if applicable); and
(d) 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).

The chairperson will also meet with the involved officer to discuss the OISRC process as it relates to Department policy, training and equipment, as well as an opportunity for the involved officer to provide feedback on the OIS process.

310.5.1 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.

310.5.2 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 their 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.

310.6 INVOLVED OFFICERS
Any officer who discharges their weapon shall be placed on paid administrative leave following an OIS. The officer shall meet with a licensed mental health clinician prior to returning to full-duty. Within 30 days of the OIS, the officer shall attend mandatory post-OIS training at the FPDRTC.

The following shall be considered for the involved officer(s):
(a) Requests for legal representation will be accommodated;
(b) Discussions with licensed attorneys will be considered privileged as attorney client communications;
(c) 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;
(d) Discussions with FPOA Legal Defense representatives will be privileged only as to the discussion of non-criminal information [Government Code §3303(i)].

310.6.1 ADMINISTRATIVE LEAVE
During the investigation, detectives shall make reasonable accommodations for the officer’s physical and emotional needs [GC §3303(d)]. Officers should only be placed on Administrative Leave (AL) and scheduled for a mental health 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.

310.6.2 MENTAL HEALTH REVIEW
After the OIS, any officer using deadly force will be placed on AL pending a meeting with a contracted licensed mental health clinician from the Department’s referral list. The meeting with a contracted licensed mental health clinician shall be scheduled by the Employee Services Coordinator (ESC). The involved officer must meet with the contracted licensed mental health clinician 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 licensed mental health clinician will conduct the mental health review. If additional mental health services are recommended, the officer will be referred to another licensed mental health clinician. If no additional services are needed, the officer will have a follow-up visit with the contracted licensed mental health clinician approximately one month later. Verification of the completion of the mental health 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 licensed mental health clinician, the officer may return to their regular duty or another assignment as needed.

Officers who seek consultation or receive counseling through the Department’s contracted licensed mental health clinician are assured confidentiality exists both within the mental health 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 mental health review. Some of the circumstances where disclosure is required or allowed by law are:

(a) where there is a reasonable suspicion of child, dependent, or elder abuse or neglect;
(b) where an officer presents a danger to self, to other(s), to property, or is gravely disabled;
(c) when an officer’s family member(s) communicate(s) to a therapist that the officer presents a danger to other(s);
(d) 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
(e) when an officer enlist 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 their 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 [GC §8669.4].
310.6.3 MANDATORY POST-OIS TRAINING
After the involved officer meets with the licensed mental health clinician, 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.

310.6.4 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 mental health review are warranted. When administrative leave, a mental health review, or post-OIS training is granted, the ESC shall be notified to coordinate the appropriate services.

310.7 INVESTIGATION PROCEDURES
The following procedures are guidelines used in the investigation of an officer-involved shooting:
(a) 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;
(b) 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;
(c) 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;
(d) 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;
(e) All investigative interviews of members and witnesses in OIS cases shall be recorded and the recording shall be preserved as evidence;
(f) IA, Civil Liability, and Regional Training Center personnel shall be allowed to remotely monitor, but not record, the interviews;
(g) 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;
(h) The Homicide Investigator may confer with their 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;
(i) All recorded interviews shall be transcribed to hard copy as soon as possible after the interviews are completed;
(j) AVL Data related to the OIS shall be retrieved and retained by Internal Affairs investigators;
(k) 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;
(l) 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
(m) 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.

310.7.1 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 their 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.

310.7.2 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 [GC §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.

310.7.3 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.

310.8 MEDIA RELATIONS
All media contacts shall be handled by the Incident Commander, PIO, or Office of the Chief. The
identities of involved officers shall not be released, absent their consent or as required by law. No
involved officer shall be subjected to contact from the media [GC §3303(e)] and no involved officer shall
make any comments to the media unless authorized by the Chief of Police or designee.
Members receiving inquiries regarding OIS incidents in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

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 [GC §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, their 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.

310.9 REFERENCES
Policy §1032 – Fitness for Duty and Employee Intervention Programs
Policy §300 – Use of Force
311 POLICY
Lost, stolen, and found bicycles will be reported consistent with the procedures for Synoptical Reports. When identifiable suspect information is present, a crime report will be completed.

311.1 PURPOSE AND SCOPE
This policy provides guidelines members will follow to investigate lost, stolen, or found bicycles effectively utilizing available resources.

311.2 STOLEN BICYCLE SYSTEM (SBS)
311.2.1 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:

(a) **Type:** Boys, girls or undefined (used for unicycles, tandem bicycles or tricycles);
(b) **Speed:** Single, two-speed, ten-speed, etc;
(c) **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;
(d) **Brand;** and
(e) **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.

311.2.2 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.

311.2.3 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 (Policy § 804).

311.2.4 TELETYPE ENTRIES
Members shall complete a teletype entry for all bicycle reports where the mandatory information is known.
312 POLICY
The Chief of Police or their designee establishes approval for all firearms and ammunition carried on-duty or off-duty by any member of this Department.

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

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

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

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

312.3 APPROVED HANDGUNS, LIGHTS, HOLSTERS, & AMMUNITION
312.3.1 ISSUED ‘ON-DUTY’ HANDGUN
The authorized Department issued firearm is: Beretta PX4 Storm .40 and the Glock 45 MOS, 9mm. Both duty-pistols are authorized until the transition to the Glock is complete. Once a member has successfully completed the transition course, the Glock 45 MOS will be considered the member’s duty pistol.

Replacement handguns, ammunition, and magazines are available at the RTC during normal business hours or at the Duty Office after hours. Replacement handguns checked out through a Duty Officer shall be approved by the requesting member's supervisor. In the event a duty-gun must be replaced by the Duty Office or RTC staff, the member shall receive the same model firearm.

The Duty Officer issuing a replacement handgun shall notify the Rangemaster so that a new replacement 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.).

312.3.2 ISSUED AND OPTIONAL “ON-DUTY” HANDGUN LIGHTS
The authorized rail mounted handgun lights are:
(a) Streamlight M3 (Department issued);
(b) Streamlight TLR-1 (Department issued/Optional);
(c) Streamlight TLR-1S (Optional); or
(d) Streamlight TLR-2 (Optional);
(e) Streamlight TLR-7 (Issued)
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.

312.3.3 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 or off-duty 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 or off-duty members must be in good working order, have retention capability, and be constructed of material and by design that will protect the trigger from accidental manipulations.

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. Officers may only wear a drop or “thigh” holster that is approved by the Regional Training Center Commander. Purchase of optional holsters are the responsibility of the individual officer.

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

312.3.5 INSPECTION
Prior to use, all weapons are subject to review, inspection, and approval by the Armorer.

312.3.6 RECORD MAINTENANCE
The Armorer(s) will maintain a record for each weapon approved for official use.

312.3.7 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 policy.
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”.

**Note** - A member may not carry both the issued on-duty and the optional on-duty handgun simultaneously.

312.3.10 AUTHORIZED INDIVIDUALLY PURCHASED PATROL RIFLE RED DOT OPTICS
Officers may purchase their own patrol rifle red dot optic to be utilized on their issued patrol rifle. Individually purchased red-dot optics will be limited to 1x magnification (no magnifiers). The only authorized red-dot sighting systems approved for individual purchase are as follows:
   (a) Aimpoint Carbine Optic (ACO) or Patrol Rifle Optic (PRO)
   (b) Aimpoint Micro Series
   (c) EO Tech model XPS2 or 552
   (d) Trijicon MRO

Officers electing to utilize a red dot sighting system on their patrol rifles shall also have a back-up iron sighting system on the rifle. Back-up iron sighting systems must be approved by the department armorer.

Officers electing to purchase a personal red dot optic will be allowed to do so at their own expense. Individually purchased red dot optics will not be replaced by the department in the event they are taken as evidence during an investigation.

312.3.11 APPROVED AMMUNITION
All Department issued firearms must be loaded with Department approved ammunition, including approved spare magazines. Ammunition for the spare magazines can be obtained from the Department Armorer. Officers may, at their own expense, purchase additional factory manufactured magazines. Prior to carrying any spare magazines and ammunition on-duty, the officer will have the equipment inspected by a Department Armorer. Spare magazines will not be replaced by the Department in the event they are taken as evidence during an investigation.
When carried, the optional on-duty, back-up, and off-duty handguns must be loaded with ammunition that meets the following specifications:
   (a) Must be original factory-loaded ammunition. Reloads, whether commercially or privately done, are prohibited.
   (b) 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.

312.4 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.

312.4.2 ASSIGNED DEPARTMENT SHOTGUNS
Depending upon shotgun availability and officer assignment, shotguns will be individually issued to officers upon their 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.

312.5 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:

(a) Officers will not display any firearm unless deadly force is authorized, for officer safety reasons, training, or at a Department range;
(b) 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 and constructed of material and design which protects the trigger from accidental manipulations,
(c) Officers shall only dry fire with an unloaded firearm and in a safe manner;
(d) Members shall treat all firearms as if loaded; and
(e) 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.

312.5.1 STORAGE
Officers will not place or store any firearm or other weapon on any Department premise except where it can be locked up.

(a) 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 (PC §25100).
(b) When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container which is placed out of view, or in a locked container that is permanently affixed to the vehicle’s interior and not in plain view (PC §16850; PC §25140; PC §25452). Members are exempt from this requirement during circumstances requiring immediate aid or action in the course of official duties (PC §25140).

312.6 CARRYING FIREARMS OUT OF STATE
Pursuant to 18 United States Code 926B and 926C, a full time sworn officer or qualified retired officer (See: Policy §220) of this Department is authorized to carry a concealed firearm in all other states subject to the following:

(a) The officer will carry their Department identification whenever carrying such weapon.
(b) 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.
(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
(d) Officers are cautioned that individual states may restrict or prohibit carrying firearms in certain areas such as government buildings, property and parks.

312.7 FIREARMS QUALIFICATIONS
Sworn members and reserve officers are required to train tri-annually (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. Under extraordinary circumstances an officer may be required to utilize a different firearm in an official capacity if the weapon they are qualified to use is not readily available during that emergency.

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/off-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.

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.)

312.7.1 FAILURE TO DEMONSTRATE PROFICIENCY
When a member fails to demonstrate proficiency with an issued or optional firearm, they 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 qualification requirement will be assigned to modified duty until they 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 their supervisor (prior to the end of the trimester, when possible), that details the circumstances surrounding the failure to qualify. The supervisor shall immediately forward the information to the Regional Training Center Commander.

312.8 OUT OF STATE PEACE OFFICERS IN CALIFORNIA
Pursuant to 18 USC 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:
(a) 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.
(b) 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.
(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
(d) 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.

312.9 FLYING WHILE ARMED
The Office of Law Enforcement/Federal Air Marshal Service maintains oversight of the Law Enforcement Officers flying armed program under Title 49 Code of Federal Regulation (CFR) §1544.219 Carriage of Accessible Weapons.
312.10 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 to the officer’s personally owned weapon will be done at their own expense, must meet Department specifications, must be re-inspected by the Department Armorer, 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 The Duty Office for exchange with a memo specifically describing the problems or needed work. Any officer issued a replacement or loaner handgun shall respond to the RTC as soon as practical and demonstrate proficiency to the Training Manager or their designee. The proficiency demonstration, along with the handgun serial number, shall be documented and placed into the officer’s training record. This process shall occur each time an officer receives a loaner handgun, replacement handgun, or their original department-issued handgun is returned to them after being repaired.

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/officer the shotgun came from. Shotguns shall be given directly to the Armorer during normal range hours of operation.

A firearm that is jammed with a live round shall be given to the Armorer or 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.

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

(a) Laser sights are authorized on optional on-duty handguns and back-up handguns after they have been examined by the Department Armorer/Rangemaster and approved by the Chief of Police.

**NOTE:** Laser sights are prohibited on the Glock 45 MOS duty pistol.

312.11 DUTY WEAPON REMOVAL / SUSPENSION OF PEACE OFFICER POWERS
A member’s duty weapon, badge, and Department identification card may be removed by a supervisor or commander as the result of certain incidents including:

(a) Those involving psychological considerations (including member reported stress);
(b) Internal investigation of a serious nature;
(c) Service of a Letter of Intent to Terminate; or
(d) Other circumstances that necessitate such removal as determined by a supervisor or commander.

**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, Welfare & Institutions Code §5150).

When a member's duty weapon, badge, and Department identification have been removed they will be booked into the PECS. The member booking the weapon, badge, etc. shall notify the PECS and Training Unit supervisors by voicemail/email of the involved member’s name and case number.

When the Department intends to suspend the peace officer powers of an individual, that officer’s duty weapon, badge and Department identification card will be removed by a supervisor or commander.

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.

312.12 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 their designee.
312.12.1 GENERAL REQUIREMENTS
(a) Prior to off-duty range use, officers are required to sign the liability release form;
(b) Off-duty officers must sign in at the Range Office prior to utilizing the facility;
(c) One range will be designated for off-duty use each day;
(d) Off-duty officers are required to follow the direction of FPDRTC staff, obey all posted safety rules, and Rangemaster instructions;
(e) All weapons and ammunition being used on the range are subject to inspection by FPDRTC Rangemasters; and
(f) Any injuries must be immediately reported to FPDRTC staff, however, off-duty use is not covered by workers’ compensation.

312.12.2 OFF-DUTY USE HOURS OF OPERATION (May vary based on the needs of the FPDRTC)
(a) Day – Tuesday thru Friday, 0800-1600 hours;
(b) Evening – Tuesday thru Thursday, 1600-2000 hours; (Range will be CLOSED during evening hours when there is not a regularly scheduled Rangemaster present);
(c) Holidays - CLOSED

312.12.3 AUTHORIZED WEAPONS
The following weapons are authorized for use on the FPDRTC range while off-duty:
(a) Assigned duty weapon;
(b) Pistols which meet the general specifications as outlined in this policy;
(c) Shotguns:
   1) 12 gauge, pump action;
   2) Remington 870 or other make/model similar to Department issued shotgun; and
(d) Rifles:
   1) AR-15 type platform or other make/model similar to Department issued patrol rifle.

312.12.4 AUTHORIZED AMMUNITION FOR OFF-DUTY RANGE USE
When utilizing a Department issued handgun, only original factory-loaded ammunition shall be used.

While utilizing any Department authorized off-duty, backup, or optional firearm, only original factory-loaded ammunition shall be used.

312.12.5 TARGET USE
(a) Cardboard target backers and wooden stands are provided;
(b) Off-duty officers must provide their own targets for use on the range;
   1) Only paper, plastic, or cardboard targets may be used;
(c) Use of the 200 yard range, sniper tower, and electric targeting systems are not authorized.
313.1 POLICY
Department members will investigate allegations of counterfeit currency in accordance with established policies and procedures, with noted exceptions.

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

313.2 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.

313.3 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 (Penal Code §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.

313.4 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.

313.5 OTHER COUNTERFEIT DOCUMENTS
Investigation of counterfeit or false documents enumerated in PC §476, other than U.S. currency, is the responsibility of the Department. Such cases shall be investigated under the same guidelines as other criminal offenses.
315.1 POLICY
When members are dispatched to a Call For Service (CFS), they should place themselves enroute and respond without delay.

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

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

The following types of calls may be handled telephonically:
   (a) Petty theft (including bicycles);
   (b) Grand theft;
   (c) Vehicle theft;
   (d) Vandalism;
   (e) Lost property;
   (f) Out of jurisdiction missing person;
   (g) Walk away from board and care facility;
   (h) Runaway juvenile from a group/foster home (12 years of age and over);
   (i) Threatening phone call;
   (j) Courtesy report for out-of-town agency;
   (k) Prior disturbance;
   (l) Violation of restraining order;
   (m) Follow-up information on prior cases;
   (n) Prior hit and run accident; and
   (o) Calls approved by a supervisor.

315.4.1 EXCEPTIONS
The calls listed above shall not be handled telephonically when:
   (a) There is a suspect in custody;
(b) There is a probability of immediate apprehension of a suspect;
(c) An involved party is in immediate physical danger;
(d) 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.);
(e) A prior disturbance or restraining order violation involves domestic violence;
(f) There is a probability of recovering usable evidence; or
(g) 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.

315.5 RESPONDING TO CALLS FOR SERVICE
When members are dispatched to a call, they should place themselves enroute and respond without delay. Members handling calls for service (CFS) should direct their attention toward the long term solution of the problem.

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.

315.5.1 CONFLICTING REQUESTS FOR SERVICE
When a member is dispatched to a call and encounters another situation requiring police service while enroute, they 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, they should advise the person(s) involved in the second incident that another member will respond as soon as possible. Members encountering such a situation should not instruct the contacting citizen to call the Department. Instead, sufficient information shall be provided to the ESD to prepare an event for later dispatching.

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

315.5.2 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.
   (a) When such a delay occurs, the responding member shall immediately advise the ESD and request that they be released from the call and reassigned to the new incident.
   (b) 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.

315.5.3 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.

315.5.4 "ANY UNIT" RESPONSES FOR "0" PRIORITY EMERGENCY CFS
   (a) 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;
(b) 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;
(c) 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;
(d) 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;
(e) 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;
(f) ESD's shall advise a field supervisor, Operations Commander, or Field Commander when no units are available to respond to a "0" priority CFS; and
(g) 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.

315.5.5 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.

(a) 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.
(b) 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.
(c) Plainclothes units should not be sent by themselves to CFS requiring the presence of uniformed officers.
(d) 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.
(e) Officers and Cadets may be dispatched to any call at the discretion of a District, Operations or Field Commander.

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

(a) Members shall not "log off" or turn their radios off more than five minutes before their shift is over.
(b) ESD's should try not to assign low priority CFS that will extend a field unit beyond the end of their shift.

(d) Members receiving such CFS will handle them without questions or complaints to ComCen personnel.
(e) 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.

315.5.7 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.

(a) When assistance appears to be needed, it should be requested immediately.
(b) 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 their own safety.
(c) 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.
(d) The first unit arriving on a multi-unit call shall advise of their arrival on the radio to alert assisting unit(s).

315.6 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.

315.6.1 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, and case number. The member should also complete the back of the card to reflect the applicable follow-up actions available. When no report is written, the member may also leave a card to facilitate re-contact to further discuss the problem. When a call is handled telephonically, the required information shall be provided verbally to the caller.

315.6.2 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.

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

315.6.4 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.

315.6.5 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.

315.6.6 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.
315.6.7 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.

315.6.8 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 their behalf. Sector officers are responsible for developing courses of action designed to abate the cause(s) of complaints.

315.6.9 911 HANG-UPS WITH UNKNOWN CIRCUMSTANCES
Members responding to 911 hang-ups with unknown circumstances shall take the following steps:
(a) Check for signs of a struggle (e.g. broken/damaged property);
(b) Ensure a call-back was attempted by ComCen;
(c) Knock on the door and announce police presence;
(d) Request ComCen call-back while officers are present to listen for a phone ringing inside the residence/structure;
(e) Contact neighbors for any potential information;
(f) Check prior calls at the location for information on the occupants;
(g) Add notes to the event documenting efforts to contact the caller; and
(h) 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, they shall contact a supervisor to advise them of the situation. The supervisor will then determine whether officers should clear the call or make a forced entry.

315.6.10 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)]
315.8 PRELIMINARY CRIMINAL INVESTIGATIONS
Members assigned to reports of crimes are responsible for the satisfactory disposition of the call including investigation, enforcement, and necessary reports.

315.9 GENERAL CALL HANDLING OF CADET CALLS FOR SERVICE
Cadets will generally be dispatched to non-emergency CFS. The following guide directs the priority order of how these CFS are to be handled:
(a) Residential burglaries;
(b) Stolen vehicle reports;
(c) Other Priority 3 CFS;
(d) Priority 4 CFS;
(e) Priority 7 CFS; and
(f) 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:
(a) 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.

(b) 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.

(c) 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.

315.10 CHAPLAINS / CHAPLAIN CALL-OUT
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 AXON system, to facilitate follow-up contact.

A Police Chaplain will be automatically dispatched, at the time of receipt of the call, to the scene of all:
(a) Deaths,
(b) Officer involved shootings (of people),
(c) Injuries where death is likely to result, and
(d) 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.

315.11 CITIZENS ON PATROL
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.

315.12 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.

315.13 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.

Supervisors receiving photographs of graffiti reported to the Graffiti Abatement Team should forward the photos to the appropriate investigator for informational purposes.
316.1 POLICY
Officers responding "Code-3" (with lights and siren) shall continuously operate emergency lighting equipment, including at minimum a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code §21055.

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

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

316.2 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.

316.3 AUTHORIZED CODE-3 RESPONSES
Operation of a vehicle Code-3 is authorized and should be utilized under these conditions:
(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.

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

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

316.6 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 pedestrians (VC §§21055, 21056, 21057, and 22350.)
The use of any other warning equipment without a red light and siren does not provide an exemption from the Vehicle Code.

316.7 CODE-3 REQUESTS FOR ASSISTANCE
Members may request Code-3 assistance when confronted with an emergency situation which:
   (a) Presents a clear and present danger to the member's or other persons' safety; or
   (b) Threatens to rapidly evolve into a clear and present danger to the member's or other persons' safety.

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.

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

Members utilizing EVP technology shall drive with due regard for the safety of all persons using the highway and keep in mind the following;
   (a) Intersections being entered against the signal should be cleared one lane at a time;
   (b) Passing on the right should be avoided except under circumstances ensuring it is a safe maneuver;
   (c) Alertness for distracted drivers and pedestrians who are unaware of your approach, despite your lights and sirens;
   (d) 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.
317.1 POLICY
Members who are assigned to any U.S. mail offense are responsible for conducting the initial investigation and reporting the incident in the absence of a Postal Inspector. Members shall request special routing to the Postal Inspector of pertinent reports they have written.

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

317.2 NOTIFICATION OF POSTAL INSPECTOR
The Postal Inspection Service has authority to conduct primary and follow-up investigations of offenses having to do with the mail, including:
(a) Post Office burglary, robbery, etc.;
(b) Theft of mail;
(c) Possession of stolen mail;
(d) Assaulting mail custodian;
(e) Forgery of postal money orders;
(f) Fraudulent use of the mail;
(g) Obscene matter in the mail;
(h) Explosives, poisons, etc., in the mail; and
(i) Damage to mailboxes or mail.
318.1 POLICY
It is the policy of the Fresno Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

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

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

318.3 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:
(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
(b) Maintaining a liaison with the vendor kennel.
(c) Maintaining a liaison with command staff and field supervisors.
(d) Maintaining a liaison with other agency canine coordinators.
(e) Maintaining accurate records to document canine activities.
(f) Recommending and overseeing the procurement of canines, equipment and services for the teams of handlers and canines.
(g) Scheduling canine-related activities.
(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

318.4 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:
(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
(b) The handler shall maintain all department equipment under their control in a clean and serviceable condition.
(c) When not in service and not secured inside a lockable, enclosed garage, all Department equipment will be removed and secured away from the vehicle.
(d) 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.
(e) 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.
(f) 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.

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

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

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

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

(k) 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.

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

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

318.6 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.

(a) Providing adequate time for anyone within the search area to make themselves known and give up/come out;
(b) Having announcements made by a different officer at a different location so as to not compromise the canine’s position;
(c) Utilization of public address systems (car or helicopter); and
(d) Giving several announcements, speaking slowly and clearly enough to be understood.
(e) During a search for a suspect, the canine may alert to the presence of a concealed suspect. When this occurs, and when reasonable and tactically feasible, an additional “announcement” should be given to afford the suspect another opportunity to peacefully surrender.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of their 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.

318.7 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:

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

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

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

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.

318.8 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 policy. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

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

(a) Absent a change in circumstances that 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.

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

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

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

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

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

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

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

A narcotics-detection trained canine will not be used to search a person for narcotics. A canine will not be used to conduct random searches of school locker(s) or vehicle searches on school sites.

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

(a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

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

318.12 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.

318.13 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:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler has the authority to decline a request for any specific assignment that they deem unsuitable.

(c) It is the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(d) It shall be the responsibility of the canine handler to complete all necessary reports.
318.14 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.

318.15 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) A canine shall not be left unattended in any area to which the public may have access.
(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

318.16 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.

318.17 HANDLER SELECTION
The minimum qualifications for the assignment of canine handler include:
(a) An officer who is currently off probation;
(b) Residing in an adequately fenced, single-family residence with a yard (minimum 6-foot high fence with locking gates). Officers living in an apartment are not qualified;
(c) Willingness (and authority) to allow a City owned kennel to be installed by a contractor;
(d) Take-home vehicles require the handler to live inside the City of Fresno or no more than fifteen (15) miles from the city limits;
   1) 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
(e) Agreeing to be assigned to the position for the service life of the canine absent promotion opportunities.

318.18 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 United States Code §207).

318.19 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:
(a) Canine handlers are encouraged to engage in additional training with approval of the canine supervisor.
(b) 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.
(c) 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.

318.20 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.

318.21 TRAINING RECORDS
All canine training records shall be maintained by the Canine Supervisor.

318.22 TRAINING AIDS
Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, officers may work with outside trainers with the applicable licenses or permits, with the approval of the canine unit supervisor.

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

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

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

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

318.24 CONTROLLED SUBSTANCE PROCEDURES
Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine’s accidental ingestion of these controlled substances, the following procedures shall be strictly followed:
(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
(b) The weight and test results shall be recorded and maintained by this department.
(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

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

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

(f) Any unusable controlled substance training samples shall be returned to the Property/Evidence Section or to the dispensing agency.

(g) All controlled substance samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

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

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

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

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

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

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

(c) The canine supervisor shall be responsible to verify the explosive training aids on hand against the inventory ledger once each quarter.

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

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

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine 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.
319.1 POLICY
Unless advised otherwise by a reporting party, members will respond to all person and business robberies, robbery alarms, and silent hold-up alarm calls for service, as though they were "in progress", exercising caution and making safety a priority.

319.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide a guideline for responding to robberies or alarm calls.

319.2 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:
(a) Exact location of occurrence and name of the bank or business;
(b) Whether the suspect(s) are present or have fled;
(c) Complete description of suspect(s) and vehicle, direction of flight, and elapsed time since departure;
(d) Weapon(s) used; and
(e) Property taken.

319.3 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.
(a) Dispatchers shall not attempt to re-contact the bank or business until asked to do so by responding units.
(b) When a dispatcher is directed to re-contact the bank or business they shall follow the procedures listed in Section 319.2.

When the alarm is false, bank or business management personnel should be requested to exit and make contact with the responding officer and follow their directions. Additionally:
(a) The description of the person initiating such contact shall be given to the officer;
(b) 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;
(c) The officer shall then check the premises to ensure that no further assistance is required; and
(d) A False Alarm Notification card shall be completed and provided to an employee;
(e) The officer shall make a note in the event report that a card was left with an employee;
(f) The disposition code “E” for false alarm shall be used to clear the event.

319.4 OFFICER’S RESPONSE / ARRIVAL AT SCENE
A minimum of two officers will be dispatched to "robbery in progress", "robbery just occurred", and "silent hold-up alarm" calls.
(a) The responding officer shall direct the dispatcher to re-contact the bank or business when appropriate.
(b) When the suspect(s) have left the location, the primary unit or designee shall make contact with the victim(s) and witness(es), and shall broadcast a complete description of the suspect(s) and vehicle(s) as soon as possible.
(c) All other responding units should check the area for suspect(s), witnesses and evidence.

When responding officers have reason to believe the suspect(s) are still present, officers shall assume a position to observe the location without being visible to the suspect(s).
(a) Marked units should be out of immediate sight of the location.
(b) All exits to the bank or business shall be covered.

(c) 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.

319.5 INVESTIGATIVE REQUIREMENTS
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.

(a) 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.

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.

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

(a) Field units investigating other robberies, where the assistance of a detective is needed, shall contact the Robbery Unit supervisor or, in their absence, a Unit investigator.

(b) When the decision is made to utilize a detective, the primary officer retains complete responsibility for the initial investigation, reporting, and evidence collection.

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

319.9 SPECIAL VIDEO TAPE BOOKING PROCEDURE
Video tape evidence from robberies shall be booked into the appropriate locker in the Property Evidence Control Section.

(a) Tapes shall not be booked at any district station.

(b) These videos will be listed on a separate Property Evidence Report from any other evidence booked.
320.1 POLICY
The official Department response to cases of domestic violence shall be: to stress the enforcement of the laws, to protect the victim, and to communicate the attitude that violent conduct in the home is criminal behavior and will not be tolerated.

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

In responding to domestic violence incidents, officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider:
(a) The intent of the law to protect victims of domestic violence from continuing abuse;
(b) The threats creating fear of physical injury;
(c) The history of domestic violence between the persons involved; and
(d) Whether either person acted in self-defense.

320.2 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:
(a) Sexual relations between the parties while sharing the same living quarters;
(b) Sharing of income or expenses;
(c) Joint use or ownership of property;
(d) Whether the parties hold themselves out as husband and wife;
(e) The continuity of the relationship; and
(f) The length of the relationship.

The above definition of cohabitant is used for the application of enforcing Penal Code §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).

320.3 ENFORCEMENT OF DOMESTIC VIOLENCE
It is the intent of the Legislature that the official response to domestic violence stresses the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is criminal behavior and will not be tolerated. The following factors should not be used to avoid making an arrest:
(a) Marital status of suspect and victim;
(b) Whether or not the suspect lives on the premises with the victim;
(c) Existence or lack of temporary restraining order;
(d) Potential financial consequences of arrest;
(e) Complainant’s history or prior complaints;
(f) Verbal assurances that violence will cease;
(g) Complainant’s emotional state;
(h) Nonvisible injuries;
(i) Location of the incident (public/private);
(j) Victim does not want to prosecute or make private person’s arrest;
(k) Speculation that complainant may not follow through with the prosecution; and
(l) The case may not result in a conviction.
(m) Actual or perceived characteristics such as race, sex, sexual orientation, gender, gender identity or expression, age, ethnicity, religion, creed, color, national origin, disability, marital status of the victim or suspect, military and veteran status, or any other classification or status protected by law.
(n) The social status, community status, or professional position of the victim or suspect.

320.4 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:
(a) The intent of the law to protect victims of domestic violence from continuing abuse;
(b) The threats creating fear of physical injury;
(c) The history of domestic violence between the persons involved; and
(d) Whether either person acted in self-defense.

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

320.6 MISDEMEANOR ARRESTS
In accordance with state law, an arrest should generally be made when there is probable cause to believe a misdemeanor, including violations of court orders, has occurred.
(a) Police officers may make an arrest without a warrant for a misdemeanor assault or battery not committed in their presence when it is committed upon:
   1) A current or former spouse;
   2) A current or former cohabitant (FC §6209 definition);
   3) A fiancé or fiancée;
   4) A person with whom the suspect currently is having or has previously had an engagement or dating relationship;
   5) A person with whom the suspect has parented a child;
   6) A child of the suspect or a child of one of the above listed categories; or
   7) Any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship.
(b) Both of the following conditions must be present in order to make an arrest in this situation pursuant to PC §836(d):
   1) The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed; and
   2) The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.

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.
320.7 FIELD RELEASE (CITE & RELEASE)
A field release may not be used and a physical arrest shall be made when:
   (a) The subject is arrested for a violation of PC §243(e)(1), §646.9 or a protective order involving domestic violence when:
       1) The detained person made threats to kill or harm;
       2) Has engaged in violence against; or
       3) Has gone to the residence or workplace of the protected party.
   (b) 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 §420.

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

320.8 PRIVATE PERSON’S ARREST
The Department will assist with all private person arrests that are made lawfully pursuant to PC §837. Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (PC §847).

Officers will advise the victim of their 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 Policy §364 for further options regarding the disposition of private person’s arrests.

320.9 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)].

320.10 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:
   (a) Domestic violence involving serious injury and the victim will be admitted into the hospital;
   (b) Domestic violence involving a Department employee as the victim or suspect; or
   (c) Domestic violence offenses that will become high profile which may cause media inquiries early in the investigation.
320.11 EVIDENCE
320.11.1 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.

320.11.2 VICTIM PHOTOGRAPHS
All victim injuries shall be photographed regardless of severity by the officer or CSI, unless the victim refuses. Refer to Policy §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.

320.11.3 SUSPECT PHOTOGRAPHS
Officers investigating a felony domestic violence incident with the suspect at large shall request from the victim a photograph of the suspect.
   (a) The officer shall request the victim to point out the suspect in the photograph.
   (b) The photograph shall be labeled with the CN and officer’s initials.
   (c) 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.

320.12 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 (PC §18250; PC § 18255; PC §33800; FC §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.

320.13 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.
320.14 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:
(a) Emergency Protective Order (EPO) - PC §273.6
(b) Domestic Violence Protective Order - PC §166(c)(1)
(c) Criminal Court Protective Order - PC §166(c)(1)
(d) Order to Show Cause and Temporary Restraining Order (TRO) - PC §273.6
(e) Order After Hearing - PC §273.6
(f) Restraining Order – Juvenile
(g) Judgment of Dissolution and Order
(h) Child Custody Order

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

320.15 STAY-AWAY 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 Policy §§330.16 and 330.32.

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

Note: The above list is not all inclusive and there may be other nondomestic violence related incidents in which officers could request an 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.
(a) Any such EPO shall be reduced to writing, signed by the officer and include all of the information required by PC §646.91(c).
(b) 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.
(c) 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.

320.16.1 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:
(a) The expiration date and time of the EPO; and 
(b) 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.

320.16.2 REQUIRED REPORTS FOR EPO WITH NO CRIME

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

320.16.3 DISTRIBUTION OF EPO FORMS

(a) The white copy shall be turned in to the Records Section by the end of the work shift;
(b) One copy shall be provided to the protected party, when present;
(c) One copy shall be provided to the restrained party, when present; and
(d) 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
320.16.4 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:
   (a) The order has not expired;
   (b) Whether proof of service or prior notice exists or can be established; and
   (c) The terms of the restraining order.

320.16.5 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, they 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.

320.17 RESTRAINING ORDERS
320.17.1 VERIFICATION OF RESTRAINING ORDERS
Whenever a complainant advises of the existence of a restraining order, the officer shall immediately attempt to determine the following [Code of Civil Procedure (CCP) §527.8(i)(3)]
   (a) Whether a restraining order is on file with the Department or whether the complainant has a copy of the restraining order in their possession;
   (b) Whether there is valid restraining order on file with the Department of Justice Domestic Violence Restraining Order System [PC §6383(d)];
   (c) Whether the proof of service or prior notice exists or that the suspect was in court when the order was made; and
   (d) The terms of the restraining order.

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

320.17.2 ENFORCEMENT PROCEDURES FOR RESTRAINING ORDERS
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:
   (a) The existence of the order and proof of service to the suspect has been verified by the officer;
   (b) The complainant produces a valid copy of the order bearing a file stamp of a court and proof of service on the suspect;
   (c) 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
   (d) 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.

320.18 SERVICE OF RESTRAINING ORDERS AND 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:
   (a) Inform the restrained party of the terms of the order;
   (b) Admonish the restrained party that they are now on notice and that violation of the order will result in arrest; and
   (c) 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:

(a) The words "FSD Only" shall be inserted in the upper right hand corner;
(b) All blanks on the form shall be filled in with the exception of the "For Court Use Only" Box;
(c) The box labeled "Case Number" shall be used only for the court case number as listed on the restraining order;
(d) The space provided for the “Department Case Number” shall list the event number assigned to the call;
(e) The event synopsis shall include the Court Case Number;
(f) 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
(g) Details of the service must be included in the event narrative.

320.18.1 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:

(a) 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 [CCP §527.8(i)(2)];
(b) 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;
(c) Obtain the suspect's address; and
(d) 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 [CCP §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.

320.18.2 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:

(a) Write a report; give the case number to the victim; and
(b) Inform the victim of how they can contact the appropriate detective or investigative unit for further action [PC §13730(c)].

320.19 OFFICER INVOLVED RESTRAINING ORDERS
(a) 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.
(b) The supervisor shall then advise the involved officer’s immediate supervisor, complete a confidential Memo and forward it with a copy of the EPO or TRO, via the chain of command, to the involved officer’s Division Commander.
(c) Notifications should be made as deemed appropriate by the on duty supervisor depending on the severity of the situation.

320.19.1 SUPERVISOR RESPONSIBILITIES IN OFFICER INVOLVED RESTRAINING ORDERS
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:

(a) The involved officer’s chain of command shall be notified;
(b) 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;
(c) In a case where the Chief of Police is the accused, the City Manager shall be notified;
(d) The Domestic Violence Unit supervisor shall be notified and will determine if an investigator should respond to the scene;
(e) The officer’s duty weapon will be removed when appropriate;
(f) The Department’s legal advisor shall be notified;
(g) A confidential Administrative Review Memo will be completed; and
(h) 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.

320.20 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.

320.21 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:

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

320.22 TENANCY ISSUES

(a) Officers may request a person who is not in lawful possession of the premises to leave when:
   1) The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.)
   2) The complainant has requested that the person leave the premises
(b) The officer will stand by until the suspect removes essential belongings
(c) If the suspect does not leave upon request, an arrest should be made under PC §602.5
(d) 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
(e) If appropriate, a domestic violence situation involving a tenancy issue may be resolved through the proper application for an Emergency Protective Order

320.23 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:

(a) Assist in obtaining appropriate medical attention if a complainant claims injury, whether visible or not;
(b) Advise the victim that strangulation may cause internal injuries and encourage the victim to seek medical attention;
(c) 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;
(d) Stand by for a reasonable amount of time when a victim/suspect requests police assistance while removing essential items of personal property;
(e) 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

(f) 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.

320.24 REPORTING PROCEDURES
A police report shall be written to cover all incidents of domestic violence. Officers shall ensure they make the victim(s) confidential by checking the appropriate check boxes in Axon Records. The “Domestic Violence” checkbox in Axon Records 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) 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;
(b) 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.
(c) A notation as to whether or not children were present;
(d) A specific description of any weapon(s) used;
(e) 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

320.26 RECORDKEEPING RESPONSIBILITIES
PC §13730 also requires that all law enforcement agencies maintain records on the number of domestic violence related calls reported to their agency and to include whether or not weapons were used in the incident. This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Manager to maintain and report this information as required.

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

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

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

Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe they are being required to restrict their movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

Consensual Contact - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that their contact with the officer is voluntary.

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

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

Probable Cause – A set of facts based on the totality of the circumstances that would lead a person of ordinary care and prudence to entertain an honest and strong suspicion that the person to be arrested is guilty of a crime.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or any other classification or status protected by law should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions).

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

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.

321.3 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 their 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.

321.3.1 CONSENT SEARCHES
A member shall not conduct a search during a consensual contact unless:

(a) The member receives voluntary consent from the person to be searched.
(b) 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
(c) A search is justified by articulable officer safety reasons.

Voluntary consent means:

(a) The person agreed to the search voluntarily (i.e., not "coerced" by force, threats, tricks, promises, or the exertion of authority); and
(b) 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.

321.4 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:

(a) Criminal activity has occurred, is occurring, or is about to occur;
(b) The person detained is connected with that possible criminal activity;
(c) 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
(d) A search is justified by articulable officer safety reasons.

321.4.1 DETENTION FACTORS
Members shall consider the following factors in determining whether there exists a reasonable suspicion to detain an individual:

(a) 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.
(b) 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.
(c) Flight alone will not be sufficient to detain an individual but when coupled with other factors, such a high crime area, may be sufficient.
(d) A members training and experience.
(e) Officer Safety issues; or
(f) 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:
(a) Reasonable suspicion;  
(b) A "cite and release" offense;  
(c) Inquiries, concerning identity, made during a detention; or  
(d) Officer Safety issues.

321.4.2 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 §300.

321.4.3 LIMITATION 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:
(a) The person(s) voluntarily consents; or  
(b) There are articulable factors that make it unsafe for the member or detainee to stay at that location; or  
(c) 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.

321.5 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.

321.6 FIELD INTERVIEW (FI) CARDS
FI Cards shall be completed with all pertinent information and submitted in Axon Records 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.)
322.1 POLICY
It is the policy of the Fresno Police Department to respect the fundamental privacy rights of individuals. Members of this Department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this Department will comply with relevant federal and state law governing the seizure of persons and property.

Consistent with CA POST requirements, the Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

322.1.1 PURPOSE AND SCOPE
Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for the Fresno Police Department personnel to consider when dealing with warrantless search and seizure issues of persons, property, and vehicles, and to strictly limit strip and body cavity searches per Penal Code §4030.

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

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

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

Strip Search - This is a search that requires a person to remove or rearrange some or all of their clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person [PC §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 [PC §4030(d)(1)].

Visual Body Cavity Search - Visual body cavity search means visual inspection of a body cavity [PC §4030(d)(3)].

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

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:
   (a) Valid consent;
   (b) Probation/Parole authorization;
(c) Incident to a lawful arrest;
(d) Legitimate community caretaking interests;
(e) Vehicle searches under certain circumstances; and
(f) Exigent circumstances

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

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

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

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

(a) Officers will strive to conduct searches with dignity and courtesy;
(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted;
(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition;
(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated; and
(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
   1) Another officer or a supervisor should witness the search;
   2) The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon; and
   3) Officers will use the back side of their hands and fingers to search sensitive areas of the opposite sex to include the breast, crotch and buttocks areas.
(f) Metal detecting wands and walk through metal detectors should be utilized whenever available and appropriate (e.g., wand may not be appropriate for an initial pat down search).

322.5 PERSON SEARCHES
322.5.1 WARRANTLESS SEARCHES
Members shall not conduct a warrantless search of an individual unless:
(a) 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;
(b) The individual to be searched is on active parole or probation with a condition that they are open to search and seizure;
(c) There is an officer safety reason for a pat down for weapons; and/or
(d) The individual is under arrest.

322.5.2 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.

322.6 STRIP SEARCHES / VISUAL BODY CAVITY SEARCHES

No person arrested and held in custody on a misdemeanor or infraction offense, except those involving weapons, controlled substances or violence, nor any minor detained prior to a detention hearing on the grounds that he or she is a person described in Section 300, 601 or 602 of the Welfare and Institutions Code, except for those minors alleged to have committed felonies or offenses involving weapons, controlled substances or violence, shall be subjected to a strip search or visual body cavity search unless an officer has determined that there is reasonable suspicion, based upon specific and articulable facts, to believe such person is concealing a weapon or contraband which would be discovered by such a search [PC §4030(f)].

Persons conducting a strip search or a visual body cavity search shall not touch the breasts, buttocks, or genitalia of the person being searched [PC §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. [PC §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 [PC §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.

322.7 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 [PC §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 [PC §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 [PC §4030(i)].

322.8 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:

(a) Valid consent;
(b) Probation/Parole authorization;
(c) A valid search warrant; and/or
(d) Exigent circumstances.
322.8.1 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.

322.8.2 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:

(a) Voluntary (i.e., clear, specific, and unequivocal);
(b) Obtained from a person with authority to give the consent; and
(c) 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).

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

(a) Imminent danger of injury or death;
(b) Serious damage to property;
(c) Imminent escape of a suspect; and/or
(d) The destruction of evidence.

322.9 VEHICLES
Absent consent or a valid warrant, members shall not search the vehicle of a detainee unless:

(a) 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
(b) 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;
(c) Authorized by Probation/Parole;
(d) Exigent circumstances exist to conduct the search for articulable public safety reasons; and/or
(e) A Vehicle Inventory Report is required (e.g., impounds).

322.10 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:

(a) Reason for the search;
(b) Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys);
(c) What, if any, injuries or damage occurred;
(d) All steps taken to secure property;
(e) The results of the search, including a description of any property or contraband seized; and
(f) 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.

322.11 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) A case number;
   (b) Signature of the person being transported;
   (c) Signature of a witnessing officer; and
   (d) 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.
323.1 POLICY
Officers shall take the necessary steps to plan all warrant services carefully to prevent injury to suspects and members. Search warrants are only to be executed by sworn personnel.

323.1.1 PURPOSE AND SCOPE
A pre-planned tactical operation is any operation where officers plan on taking some sort of enforcement action. Examples of pre-planned tactical operations are search warrants, knock and talks, probation/parole searches, arrest warrants, etc.

323.2 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.

323.3 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 Policy 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:
(a) Review of any surveillance of the location already conducted;
(b) Information from confidential informants;
(c) Video of the location;
(d) Photographs from ground level; and/or
(e) Photographs from the air.

reviewed by the Unit Commander and SWAT Commander or designee prior to service.

323.4 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.

### 323.5 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 pre-planned 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.

### 323.6 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.

### 323.7 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 pre-planned 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:\LIBRARY\FORMS\Search Warrants - Tac Plans. All sections of the tactical operations plans will be completed. The tactical plan may be modified or updated through the Policy & Procedure Unit.

The tactical operations plan should include, but is not limited to, the following:

- (a) A diagram of the specific location where the warrant is to be served;
- (b) A 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;
- (c) 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;
- (d) 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.;
- (e) Communication plan listing the primary channel, if the primary channel will be monitored by dispatch, secondary channel, cell phone numbers, etc.;
- (f) Rally point in case of emergencies;
- (g) Location and route to nearest hospital; and
- (h) 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.

323.8 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) A description of the search warrant location;
(b) A description of suspect(s), crime(s) involved, weapons, and contraband;
(c) Identification of point of entry, secondary entry points, rally point(s) and zones of fire;
(d) Designation of entry team members, equipment they require and how they will deploy;
(e) Designation of perimeter team members, equipment they require and how they will deploy;
(f) Role of assisting units such as Patrol Division, air support, etc.; and
(g) 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.

323.9 NOTIFICATIONS
Units preparing to serve a search warrant shall notify the Duty Office and the ComCen supervisor prior to serving the search warrant.

(a) The notification shall include the location where the search warrant will be served and the expected time of service.
(b) 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.
(c) 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.
(d) The Unit Commander, District Commander, or their designee, shall consult with the SWAT Commander or 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.

323.10 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.

323.11 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.

(a) If any boxes in items 1-5 are marked YES, SWAT should be contacted.
(b) If two or more boxes in items 6-11 are marked YES, SWAT should be contacted.
(c) The unit supervisor shall notify the Bureau or District Commander before the service of any warrant or consultation with the SWAT commander or designee.
(d) The unit member, or unit supervisor, completing the Risk Assessment Matrix shall consult with the SWAT Commander, or designee, if the above criterion is reached to determine if SWAT will assist in serving the warrant.
(e) 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 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.
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**Reviewed by:** Click here to enter text.  
**Date:** Click here to enter text.
324.1 POLICY
The Fresno Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at Department facilities. Juveniles should be held in temporary custody only for as long as reasonably necessary for investigative purposes, processing, transfer or release. When a juvenile is placed in temporary custody of the Fresno Police Department, officers shall identify the purpose for taking temporary custody of the juvenile and determine the appropriate manner in which the juvenile is to be detained.

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

324.1.1 PURPOSE AND SCOPE
This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Fresno Police Department (42 United States Code §5633).

324.2 DEFINITIONS

**Juvenile non-offender** - An abused, neglected, dependent or alien juvenile who may be legally held for their 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 their protection or for purposes of reuniting the juvenile with a parent, guardian or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

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

**Non-secure detention** - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure detention may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (WIC §207.1(d); 15 California Code of Regulations §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 detention also includes being physically secured to a stationary object (15 CCR §1146). Examples of secure detention include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area; i.e. prisoner processing center within CSIB.
(b) A juvenile handcuffed to a rail.
(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.
(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

**Sight and sound separation** - Located or arranged to prevent physical, visual or auditory contact with adult prisoners.

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

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.

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

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

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 (WIC §627).

Whenever a juvenile is taken into temporary custody, they shall be given the Miranda Rights advisement regardless of whether questioning is intended (WIC §625).

Anytime a juvenile offender is placed in secure detention, they 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 their parent or guardian; one to a responsible relative or 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).

**324.4 TYPE OF DETENTION**
**324.4.1 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 not meeting the criteria to be placed in a locked detention room, or any juvenile under the age of 14-years taken into custody for a criminal violation, regardless of the seriousness of the offense, may be temporarily detained in the police facility however the custody must be non-secure.

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.

324.4.2 SECURE DETENTION
A juvenile may be held in secure detention in a holding cell, if the juvenile is 14-years of age or older and, if in the reasonable belief of the peace officer, the juvenile presents a serious security risk of harm to self or others, as long as all other conditions of secure detention set forth below are met.

Any juvenile in temporary custody who is less than 14-years of age, or who does not, in the reasonable belief of the peace officer, present a serious security risk of harm to self or others, shall not be placed in secure detention, but may be kept in non-secure custody in the facility as long as all other conditions of non-secure detention are met (WIC §602, Title15 CCR §1545).

(a) In making the determination whether the juvenile presents a serious security risk of harm to self or others, the officer may take into account the following factors:
   1) Age, maturity, and delinquent history of the juvenile;
   2) Severity of the offense(s) for which the juvenile was taken into custody;
   3) Juvenile’s behavior, including the degree to which the minor appears to be cooperative or non-cooperative;
   4) The availability of staff to provide adequate supervision or protection of the juvenile; and
   5) The age, type, and number of other individuals who are detained in the facility.

(b) A juvenile may be locked in a room or secured in a detention room subject to the following conditions:
   1) Juvenile is 14-years of age or older;
   2) Juvenile is taken into custody on the basis of having committed a criminal law violation as defined in WIC §602;
   3) Detention at this facility does not exceed six hours from the time of arrival at the police station, when both secure and non-secure time is combined;
   4) Detention is for the purpose of giving the officer time to investigate the case, facilitate the release of the juvenile to parents, or arrange transfer to JJC; and
   5) The officer apprehending the juvenile has reasonable belief that the juvenile presents a “serious security risk of harm to self or others.”

324.4.3 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.

(a) 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:
   1) A Department member must be present at all times to ensure the juvenile’s safety while secured to a stationary object;
   2) Juveniles who are secured to a stationary object are moved to a detention room as soon as one becomes available; and
   3) 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.

(b) In the event a juvenile is held inside a locked enclosure, the juvenile shall receive adequate supervision which, at a minimum, includes:
   1) Constant auditory access to an officer by the juvenile; and
   2) Unscheduled personal visual supervision of the juvenile by an officer, no less than every 15 minutes. These checks shall be documented.
(c) Males and females shall not be placed in the same locked room unless accompanied by an officer.

324.4.4 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.

324.4.5 PANIC / DURESS ALARMS
There are panic/duress buttons that are mounted in both the Prisoner Processing Section and SVB Temporary Holding Cell areas should a member need assistance. These are audible voice alarms and when activated, notification will be made on Channel One.

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

The detaining or transporting officer shall notify a supervisor if they believe the juvenile may be a suicide risk. The officer will arrange for transportation to a mental health facility for evaluation or to JJC and arrange for the booking of the juvenile, providing the juvenile meets the intake criteria. The juvenile shall be under constant personal supervision until the transfer is completed.

324.4.7 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY
When emergency medical attention is required for a juvenile who is in custody, EMS will be called. A supervisor shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR §1142). The juvenile will then be transported by EMS to a medical facility.

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:
   (a) The Juvenile Court; and
   (b) The parent, guardian, or person standing in loco parentis, of the juvenile.

324.5 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 their entry into the Fresno Police Department (42 USC §5633; WIC §207.1(d)).
(a) **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 WIC §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; WIC §206).

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

(b) **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).

(c) **Juvenile Offenders** - Juvenile offenders should be held in non-secure detention while at a Fresno Police Department facility unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

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

A juvenile offender who is 14 years of age or older and suspected of using a firearm in violation of WIC §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 WIC §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:

1) Released upon warning or citation;
2) Released to a parent or other responsible adult after processing at the Department;
3) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility; or
4) Transported to their home or to the place where the juvenile offender was taken into custody (WIC §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 (WIC §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 (PC §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.

### 324.6 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 WIC §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:

(a) 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;

(b) 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

(c) 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.

324.6.1 TEMPORARY CUSTODY REQUIREMENTS

Juveniles held in temporary custody shall have the following made available to them (15 CCR §1143):

(a) Access to toilets and washing facilities;

(b) 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;

(c) Access to drinking water;

(d) Privacy during visits with family, guardian, or lawyer;

(e) 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

(f) 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).

324.6.2 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.

324.6.3 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.

324.7 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:

(a) Identifying information about the juvenile;
(b) Date and time of arrival and release from the Fresno Police Department (15 CCR §1150);
(c) Supervisor notification and approval to temporarily hold the juvenile;
(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender;
(e) Any changes in status;
(f) Time of all safety checks;
(g) Any medical and other screening requested and completed (15 CCR §1142);
(h) Circumstances that justify any secure custody (WIC §207.1(d); 15 CCR §1145); and
(i) WIC §207.1 Advisement Information for any secure detention.

324.8 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 §1144).

Contact between juveniles in temporary custody, both secure and non-secure, and adult prisoners shall be restricted as follows:
   (a) There will be no communication between the juvenile and adult prisoners allowed.

324.9 CUSTODIAL INTERROGATION
The member conducting the interrogation should explain to the juvenile and parent/guardian what they may expect during the processing and interrogation, including:
   (a) The procedures of the juvenile justice system (e.g. juveniles release pending hearing, mail notification of hearing date/time/location, etc.); and
   (b) 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.

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

This recording is not mandatory when (PC §859.5):
   (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
   (b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
   (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of PC §859.5.
(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

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

324.10 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:

(a) The arresting officer is unable to verify the juvenile’s identity; or

(b) 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.

324.11 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:

(a) The arresting officer may counsel or admonish the juvenile and recommend no further action be taken (reprimand and release);

(b) The arresting officer may cite and release; or

(c) The juvenile may be transferred to JJC when the violation falls within the provisions of WIC §602.

324.11.1 REPRIMAND & RELEASE
Any juvenile not transferred to JJC shall be released to one of the following:

(a) Parent or legal guardian;

(b) An adult member of their immediate family;

(c) An adult person specified by the parent/guardian;

(d) An adult person willing to accept responsibility, when the juvenile’s parents are unavailable as approved by the member’s supervisor; or

(e) 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 Axon Records.
324.11.2 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:
(a) Has violated a court order;
(b) Presents an immediate, serious threat to self or others;
(c) Has no parent/guardian reasonably available to take custody and assume responsibility for the
juvenile’s appearance;
(d) Has committed one of the violations listed in VC §40302; or
(e) Has a warrant for their 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.

324.11.3 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:
(a) Take reasonable measures to verify the age of the juvenile;
(b) Establish “clear proof” the juvenile suspect was aware of the wrongfulness of their actions at the
time of the offense (PC §26); and
(c) Notify a field sergeant, who shall respond to meet with the arresting officer prior to booking.

When a juvenile is to be transported to JJC, the following shall accompany the juvenile:
(a) An ePCD shall be completed in Fresno County ePCD system for any open misdemeanor or
felony charges.
(b) 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.
(c) Any personal property taken from the juvenile at the time of detention

A JAR shall be completed in Axon Records for each juvenile. The narrative of the JAR shall refer to the
narrative of the report in Axon Records.

324.11.4 SUPERVISOR’S RESPONSIBILITIES
Prior to juveniles age 12 and under being booked into JJC, supervisors shall:
(a) Meet with the arresting officer to determine if booking is appropriate;
(b) Notify the Supervisor of the circumstances surrounding the arrest and confirm the decision to
book;
(c) Notify the district or bureau commander of the circumstances surrounding the booking; and
(d) 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.
324.12 DISCIPLINE OF JUVENILES
Police personnel are prohibited from administering discipline to any juvenile.
Exception: Juvenile Offender Work Program

324.13 INTOXICATED AND SUBSTANCE ABUSING MINORS
Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.

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:
(a) Known history of ingestion or sequestration of a balloon containing drugs in a body cavity;
(b) Juvenile is known or suspected to have ingested any substance that could result in a medical emergency;
(c) A juvenile who is intoxicated to the level of being unable to care for themselves; and
(d) 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:
(a) 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.
(b) 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.
(c) 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.
(d) 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.
1) 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.
(e) 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.
(f) Juveniles undergoing acute withdrawal reactions shall immediately be transported by EMS to a medical facility for examination by a physician.
(g) 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.
324.14 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.

324.15 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 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:
(a) The Chief of Police or 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.
(b) Upon receipt of a report of death of a juvenile from the Chief of Police or 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.
(c) A medical and operational review of the in-custody death of a juvenile shall be conducted. The review team shall include the following:
   1) Chief of Police or designee;
   2) The health administrator;
   3) The responsible physician and other health care and supervision staff who are relevant to the incident.

324.16 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.
(a) 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.
(b) 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).

324.17 RELEASE OF INFORMATION CONCERNING JUVENILES
Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Officers of this department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.
324.17.1 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.

324.18 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).
Fresno Police Department Policy Manual
Forced Entry

325.1 POLICY
When exigent circumstances indicate an immediate threat to the life of a person other than a wanted or suicidal subject, officers are expected to take necessary action to preserve life, including forced entry. When no immediate threat to life exists, officers should request supervisor response and establish containment and control over the scene.

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

325.2 CONSIDERATIONS
Factors to consider when determining whether or not to force entry include, but are not limited to:
(a) Seriousness of the suspected offense;
(b) Need or exigency to force entry immediately versus waiting for additional resources;
(c) Warning signs present (History at location, firearms present, etc.);
(d) Control of on-scene involved parties;
(e) Available force options;
(f) Availability of other resources such as Crisis Negotiators, mental health advocates, etc.;
(g) Whether to breach and hold vs. breach and enter immediately;
(h) Contingency plans if forced entry doesn’t go as planned;
(i) Attempts to communicate with subject(s) inside location; and/or
(j) Any information indicating the subject is armed and barricaded.

325.3 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.

325.3.1 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:
(a) Exigent circumstances exist as an exception to statutes or case law (i.e., Ramey);
(b) Failure to enter and make an arrest would cause undue hazard to the officer; or
(c) The status quo cannot be maintained and the scene cannot be secured and held until a warrant is obtained.

325.3.2 FORCED ENTRY TO ARREST WITH AN ARREST WARRANT
Officers attempting the arrest of a person with a warrant who is inside a residence or other building will not force entry into the building to affect the arrest unless:
(a) All reasonable measures to achieve voluntary submission to arrest have been exhausted;
(b) Failure to pursue the arrest at that moment would create an immediate danger to life or immediate danger of great bodily injury. Absent an immediate threat to life or immediate threat of great bodily injury, officers should consider temporary postponement while the situation is improved (e.g., calling in special units, negotiators, evacuating neighbors, etc.); and
(c) There are sufficient officers present to control the arrest situation and surrounding areas.

Any related search warrants and pre-planned tactical operations will be conducted in accordance with Policy §323.

325.3.3 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.

325.4 CONSIDERATIONS
Factors to consider when determining whether or not to force entry include, but are not limited to:

(a) **Seriousness of the suspected offense** – What criminal act has actually been established?
(b) **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?
(c) **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)?
(d) **Control of on-scene involved parties** – Are involved parties (RP’s, witnesses, etc.) sufficiently contained to prevent interference with police actions?
(e) **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?
(f) **Additional resources** – Is there a K-9, Crisis Negotiator, or mental health professional (MH-1) available? Has dispatch been directed to check all channels?
(g) **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?
(h) **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.?
(i) **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?
(j) **Armed Barricaded Subject** – Has information been established indicating the subject is armed and barricaded? If so, refer to Policy §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 their specific role during the forced entry (i.e. less lethal operator, lethal cover, arrest team, etc.).

325.5 RELATED POLICY
Related topics are covered under the following sections of the Policy Manual:

(a) Use of Force – Policy §300
(b) Force Options – Policy §308
(c) Search and Seizure – Policy §322
(d) Search Warrants/Pre-Planned Tactical Operations – Policy §323
326.1 POLICY
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.

326.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide members with guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification as required by law.

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

Dependent Adult - 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 their ability to carry out normal activities or to protect their rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. Dependent Adult includes any person between the ages of 18 and 64 years who is admitted as an inpatient to a 24 hour health facility, as defined in Health & Safety Code §§1250, 1250.2, and 1250.3.

Elder - Any person residing in this state, 65 years of age or older.

Financial Abuse - 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 - 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.

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

Neglect - The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care which a reasonable person in a like position would exercise. Neglect includes, but is not limited to, all of the following:
(a) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter;
(b) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone instead of medical treatment.

326.3 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 they have experienced abuse.
§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)].

326.3.1 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.

326.4 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:

(a) Current location of the victim;
(b) Victim’s condition/nature and extent of injuries, neglect or loss; and
(c) Names of agencies and personnel requested and on scene.
(d) 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.
(e) Any relevant statements the victim may have made and to whom they made the statements.
(f) 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.
(g) Whether the victim was transported for medical treatment or a medical examination.
(h) 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.
(i) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
(j) Previous addresses of the victim and suspect.
(k) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.
(l) Results of investigations shall be provided to those agencies (APS, long-term ombudsman) that referred or reported the adult abuse [WIC §15640(f)].
(m) Whether a death involved the End of Life Option Act:
   1) Whether or not assistance was provided to the person beyond that allowed by law (HS §443.14)
   2) 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 (HS §443.17)
   3) Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug (HS §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 §810.

326.5 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:

(a) Officers may be called upon to affect a forced entry as the first responder to the scene of a suspected elder / dependent adult abuse. (Policy §§360 & 325);
(b) 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;
(c) Any evidence, such as injuries that may change in appearance, should be photographed immediately;
(d) 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
(e) 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.

326.6 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.

326.6.1 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.

326.7 INTERVIEWS
326.7.1 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.

326.7.2 DETAINING VICTIMS FOR INTERVIEWS
An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without their consent or the consent of a guardian unless one of the following applies:
(a) Exigent circumstances exist, such as:
  1) A reasonable belief that medical issues of the adult need to be addressed immediately.
  2) A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
  3) The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
(b) A court order or warrant has been issued.

326.8 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.
326.9 SUPPORT PERSONNEL
The following person(s) should be considered if it appears an in-depth investigation is appropriate:
(a) Supervisor;
(b) Detectives;
(c) Personnel for evidence collection;
(d) Adult Protective Services Agency personnel (APS); and
(e) Ombudsman shall be called if the abuse is in a long-term care facility.

326.10 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 [FC § 6250(d)].

326.11 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.
328.1 POLICY
The Fresno Police Department is committed to creating and maintaining a work environment that is free of all forms of discrimination, harassment, and retaliation. All complaints will be fairly, timely, and thoroughly investigated. The Department will take appropriate, corrective, and disciplinary action, up to and including termination, for any behavior that violates this policy or the rights and privileges it is designed to protect.

328.1.1 PURPOSE AND SCOPE
The purpose of this policy is to prevent members from being subjected to discrimination, harassment, and/or retaliation, and to ensure a full and equal employment opportunity and maintain and foster a work environment free from discrimination and harassment based on protected classifications for all members, in conformance with Title VII of the Civil Rights Act of 1964, the guidelines issued by the Equal Employment Opportunity Commission, the California Fair Employment and Housing Act, and the guidelines issued by the administrative agencies for those will be adhered to.

328.2 DEFINITIONS
Discrimination - Any verbal, physical or visual conduct, acts, or omissions which subject a member to disparate treatment including, but not limited to; terminating a member, subjecting a member to different performance standards or reviews, disciplining a member, depriving a member of job benefits or compensation, or excluding 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 any other classification protected by law.

Harassment – Harassment may be verbal, physical, or visual conduct which is unwelcomed and directed or related to a member’s protected classification. Harassment that unreasonably alters a member’s working conditions so as to make it more difficult for that member to do their job could constitute a hostile work environment based on the totality of circumstances, even if based on a single incident.

Members who engage in harassment of anyone protected under this policy may be personally liable for the harassment, regardless of whether the Department knew or should have known of the conduct and/or failed to take appropriate corrective action. See City of Fresno Administrative Order 2-16.

Examples of conduct that may constitute harassment, include but are not limited to verbal harassment such as harassing phone calls, derogatory comments, slurs or jokes directed to a member or group of members on account of protected classification, visual harassment, through writings, e-mails, pictures, cartoons or posters which ridicule or demean a member or group of members’ protected classifications, and physical harassment, such as unwelcomed or offensive touching, stalking, or impeding or blocking movement on the basis of protected classifications, defined below:

Sexual Harassment - Sexual harassment includes the verbal, visual, or physical conduct described above under Harassment, but is further defined to include, but is not limited to; unwelcomed sexual advances, requests for sexual favors and other acts of a sexual nature where:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a member’s employment;

(b) Submission to or rejection of such conduct by a member is used as the basis for employment decisions affecting the member, and/or
(c) Conduct that has the purpose or effect of interfering with a member’s work conditions such that the conduct makes it more difficult for the member to do their job, or creating an intimidating, hostile, or offensive work environment.

(d) In addition, gender-based discrimination, which may include acts of verbal, nonverbal, or physical aggression, intimidation or hostility based on a person’s gender, gender identity, or gender expression, but not involving conduct of a sexual nature, may be a form of sexual harassment of the member.

The conduct does not need to occur between persons of differing rank or power. Sexual harassment may occur between co-workers or equally ranked members. In addition, sexual harassment may involve a female harassing a male, a male harassing a female, or a person harassing another person of the same, or any other, gender. The conduct need not be motivated by sexual desire to constitute sexual harassment.

In determining a hostile work environment, the type of workplace or particular job does not matter even if it had more frequent sexually related commentary or conduct in the past, unless it is integral to the performance of the member's job duties.

Examples of verbal, physical, or visual conduct that may constitute sexual harassment include, but are not limited to direct propositions of a sexual nature, sexual innuendoes, subtle pressure for sexual activity such as repeated, unwelcome requests for dates, inappropriate comments, staring, or touching, direct or implied threats that submission to sexual advances will be a condition of employment, promotions, advancement, or continued employment, conduct that is discomforting, humiliating or both, and includes sexual comments, jokes, questions, anecdotes, unnecessary or unwanted touching, patting, massaging, hugging, or brushing against another person’s body, remarks of a sexual nature, insulting sounds or gestures, unwelcome and inappropriate writings, calls or other communications including social media posts or messages, stalking, impeding or blocking movement, and sexual assault.

Discrimination/harassment does not include the following:

(a) 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

(b) Bona fide requests or demands by a supervisor that the member improve their work quality or output, that the member report to the job site on time, that the member comply with City or departmental rules or regulations, or any other appropriate work related communication between supervisor and member.

Retaliation – An adverse action taken against a member for making a complaint of discrimination or harassment, or for cooperating in the investigation of such allegations. Members who engage in retaliation of anyone protected under this policy may be personally liable for the retaliation, regardless of whether the Department knew or should have known of the conduct and/or failed to take appropriate corrective action.

328.2.1 PROTECTED CLASSES DEFINED

Age - Any individual who is forty (40) years of age or older.

Disability - Includes, but is not limited to, deafness, blindness, partially or completely missing limbs, mobility impairments requiring the use of a wheelchair, cerebral palsy, and chronic or episodic conditions such as HIV/AIDS, hepatitis, epilepsy, seizure disorder, diabetes, multiple sclerosis, and heart and circulatory disease.

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 their 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.

Marital Status - An individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state.

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, emotional or mental illness, intellectual or cognitive disability, organic brain syndrome, or specific learning disabilities, autism spectrum disorders, schizophrenia, and chronic or episodic conditions such as clinical depression, bipolar disorder, post-traumatic stress disorder, and obsessive compulsive disorder.

National origin - Includes, but is not limited to, the individual’s or ancestors’ actual or perceived:
(a) Physical, cultural, or linguistic characteristics associated with a national origin group;
(b) Marriage to or association with persons of a national origin group;
(c) Tribal affiliation;
(d) Membership in or association with an organization identified with or seeking to promote the interests of a national origin group;
(e) Attendance or participation in schools, churches, temples, mosques, or other religious institutions generally used by persons of a national origin group; and
(f) Name that is associated with a national origin group.

Physical disability - Includes, but is not limited to, all of the following:
(a) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:
   1) 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
   2) Limits a major life activity.

Race/Color - Involves treating someone (an applicant or member) unfavorably because they are of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Color discrimination involves treating someone unfavorably because of skin color complexion. Race/color discrimination also can involve treating someone unfavorably because the person is married to (or associated with) a person of a certain race or color.
Religion/ Religious Creed - Includes any traditionally recognized religion as well as beliefs, observances, or practices, which an individual sincerely holds and which occupy in their life a place of importance parallel to that of traditionally recognized religions. It encompasses all aspects of religious belief, observance, and practice, including religious dress and grooming practices.

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

Transgender - A person whose gender identity differs from the person’s sex at birth. A transgender person may or may not have a gender expression different from social expectations of the sex assigned at birth and may or may not identify as transsexual.

328.3 ROLES AND RESPONSIBILITIES
This policy applies to all Department personnel. All members shall adhere to these guidelines in a manner that reflects Department policy, AO 2-16, professional law enforcement standards (POST), and the best interest of the Department and its mission.

328.3.1 MEMBER’S RESPONSIBILITIES
All members shall promptly report any observed or known violations of this policy to a supervisor. Members may seek supervisory assistance as described below (Step 2) to resolve the situation if the problem is a misunderstanding or lack of communication. 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 or the Personnel Services Department as per AO 2-16 with a complaint.

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 Equal Employment Opportunity Officer (The Director of Personnel), or the appropriate state or federal agency. However, members are encouraged to exhaust Department and City provided remedies in order to give the Department and City 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 and/or City through the Personnel Services Department.

328.3.2 QUESTIONS OR CLARIFICATIONS
Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, Director of Personnel Services, or the California Department of Fair Employment and Housing (DFEH) for further information, direction, or clarification (Government Code §12950).

328.3.3 SUPERVISOR’S RESPONSIBILITIES
Each supervisor, commander, and manager (collectively referred to as “supervisors”) shall take reasonable steps to:
   (a) Ensure that the work environment is free from all types of unlawful discrimination;
   (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination;
   (c) 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;
   (d) Take immediate and appropriate corrective action when they observe or learn of an incident of discrimination;
   (e) 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
   (f) Assess or address the potential for any continuing hostile work environment when an internal discrimination allegation is made.
328.3.4 SUPERVISOR’S ROLE
Because of differences in individual values, supervisors may find it difficult to recognize that their behavior or the behavior of others is **in violation of this policy**. Supervisors and managers shall be aware of the following considerations:
(a) Behavior of supervisors should represent the values of our Department and professional law enforcement standards;
(b) False or mistaken accusations of discrimination have negative effects on the careers of innocent members;
(c) Supervisors must act responsibly in the handling of such situations; and
(d) Supervisors must make a determination on any allegations based upon all available facts.

328.4 HANDLING INTERNAL ALLEGATIONS OF DISCRIMINATION, HARASSMENT OR RETALIATION
328.4.1 STEP 1 - MEMBER TO MEMBER RESOLUTION (OPTIONAL)
In an attempt to encourage communication and resolve the matter, members who believe they are experiencing discrimination, harassment or retaliation should inform the individual that their behavior is unwelcome, offensive, or inappropriate. The problem may simply be a misunderstanding or lack of communication which may not be a violation of this policy. If a member feels uncomfortable, supervisory or management assistance or mediation should be considered as outlined below in Step 2.

When the complaining party does not wish an attempt at supervisory assistance or the member feels the problem is not a misunderstanding or lack of communication, the member must proceed to Step 3.

328.4.2 STEP 2 - SUPERVISORY ASSISTANCE (OPTIONAL)
Supervisors, who receive or become aware of complaints, should attempt to resolve any misunderstanding or lack of communication between the involved parties. The assistance should be provided by a supervisor one rank higher than the alleged offender.

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 their efforts.
(a) 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 of the misunderstanding or lack of communication.
(b) 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.
(c) This memorandum shall be filed in the Internal Affairs Bureau after review and concurrence by the Chief of Police or designee.

When the discrimination, harassment or retaliation is not a misunderstanding or lack of communication, mediation will not be an option for a resolution between the involved parties. The complaint must proceed to Step 3 for investigation and disposition.

328.4.3 STEP 3 - FORMAL DISCRIMINATION OR HARASSMENT COMPLAINT (MANDATORY)
When the complaining party chooses not to utilize Step 1 or 2 above, the complaining member shall report it as provided in AO 2-16 or to a supervisor in the Police Department. When a supervisor learns of a complaint of discrimination under this policy that is not a misunderstanding or lack of communication, the supervisor shall:
(a) Prepare a memorandum documenting the facts surrounding the complaint;
(b) Have the complainant review and sign the memorandum with an acknowledgment they;
   1) Have reviewed the memorandum; and
   2) The memorandum is an accurate reflection of their complaint.
(c) 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 if the complainant requests it. Depending on the nature of the complaint and if the involved parties cannot be separated then administrative leave may be appropriate.

Note: The complaining member may report directly to the Personnel Services Department as another means to investigate the complaint.

328.4.4 INVESTIGATION OF UNRESOLVED COMPLAINTS
The Personnel Services Department normally investigates complaints of discrimination under AO 2-16, but the Internal Affairs Bureau, or an outside investigator if appropriate, may also conduct complaints of discrimination under this policy. Investigations of complaints of discrimination conducted by the Personnel Services Department or others outside of the Internal Affairs Bureau are done with the authority of the Chief of Police or designee.

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 their recommendations to the Chief of 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 Personnel Services Director or outside consultant hired by the City Attorney’s Office.

In all cases, every effort will be made to resolve a complaint as rapidly as possible while recognizing the privacy rights and interests of all persons involved.

Any retaliation against a member for making a discrimination complaint, reporting discrimination that they witnessed, or assisting in a discrimination investigation is strictly prohibited. Any member who engages in retaliation against another member will be subject to disciplinary action, up to and including termination.

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.

328.5 NOTIFICATION OF DISPOSITION
Complainant and accused will be notified in writing of the disposition.

328.6 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.

328.7 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.
328.8 RIGHT TO APPEAL
Members receiving any corrective action as a result of the findings of an investigation shall have the right to appeal any resolution of a discrimination or harassment complaint to the Chief of Police or designee.

328.9 TRAINING
All new members shall be provided with a copy of this policy and AO 2-16 as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that they have been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during their 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.

328.9.1 STATE REQUIRED TRAINING
Members 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 (GC §12950.1; 2 California Code of Regulations §11024):

(a) Supervisory members shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

(b) All other members 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 members as described in GC §12950.1.

All members shall receive refresher training every two years thereafter including one hour of training to non-supervisory members and two hours of training to supervisors.
329.1 POLICY
Any allegation of a criminal assault being committed will be investigated to the fullest extent by members of this Department with appropriate, timely, and accurate evidence collection if possible.

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

329.2 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.

(a) 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).

(b) Photographs of a victim's injuries should be taken at the time of the initial investigation when possible.

(c) 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.

(d) 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:

(a) Case Number;
(b) Type of Crime;
(c) Location of occurrence;
(d) Date of occurrence; and
(e) 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.

329.3 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:

(a) Make arrangements to have photographs taken at the Community Regional Medical Center (CRMC) Assault Investigation Room, a private office, or the victim's home;

(b) Utilize a female CSB tech to take photographs of female victims or a male CSB tech to take photographs of male victims; and

(c) Make arrangements for a female member to stand by while a female victim is being photographed.
329.4 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 PC §§246 and 247 scenes.

329.5 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.
330.1 POLICY
The Fresno Police Department treats reports of crime against children involving suspected abuse as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s).

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

330.2 DEFINITIONS

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

Child Abuse – A physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual abuse or any act or omission proscribed by Penal Code §273a (willful cruelty or unjustifiable punishment of a child) or 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 their employment as a peace officer. (PC §11165.6)

Neglect - 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 - A police or sheriff's department, a county probation department or a county welfare department. This section does not include school district police or security department.

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

330.3.1 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:
(a) Investigate to determine if the child has suffered, or there is a substantial risk that the child will suffer [e.g., Welfare & Institutions Code §300 (a)-(d) and (j)], physical abuse, neglect or endangerment and/or whether a crime has been committed;
(b) Take reasonable steps to determine if there are any other children in the home who may be at risk of abuse;
(c) 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
(d) 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.
330.3.2 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.

330.4 TEMPORARY PROTECTIVE CUSTODY
330.4.1 AUTHORITY TO TAKE INTO CUSTODY
Both our agency and CPS shall work collaboratively, sharing information and participating in a shared decision-making process.
   (a) Through this process, the officers may take into temporary protective custody any juvenile falling under the provisions of WIC §305.
   (b) 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.

330.4.2 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:
   (a) 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
   (b) A parent with legal custody requests that the juvenile be placed with a friend or relative who agrees to assume responsibility; and
   (c) 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
   (d) 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.

330.4.3 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.

330.4.4 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.

330.4.5 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:
   (a) 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;
(b) Placement of the juvenile and investigation of placement alternatives. This may involve the location of relatives or the provision of homemaker services; and
(c) 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 directly either in person or by telephone (FPD Dedicated Line, 453-6474, or the main line, 255-8320). The officer shall provide:
(a) The name(s) and birth date(s) of the parent(s) and of the juvenile(s) who is/are to be placed,
(b) The reason for the placement (e.g., abuse, neglect, endangerment, etc.),
(c) Whether any relative(s) are standing by for placement purposes, and
(d) The relative’s name(s) and birth date(s) so that this information can be relayed to CPS at the time of the request.

330.5 REPORTING REQUIREMENTS
330.5.1 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.

330.5.2 ADVISE / REPORT / ROUTE
Members shall:
(a) Advise CPS of any incidents regarding suspected or actual abuse;
(b) Submit a possible crime or crime report, listing all names of any children residing in the home; and
(c) Route that report to CPS through the manage distribution request section located in Axon.

Examples are:
(a) 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.
(b) 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.
(c) 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.
330.5.3 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 (Axon 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.

330.6 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.

330.6.1 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) A facility licensed to care for children by the State Department of Social Services; and/or
(b) 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.

330.7 EMERGENCY PROTECTIVE ORDERS
Members shall request an EPO if any of the following conditions exist:
(a) The victim requests an EPO;
(b) The investigating officer has grounds to believe that there is an immediate danger of continuing violence against the victim;
(c) The investigating officer or victim believes the potential for further violence or threats exists;
(d) When a child is in immediate and present danger of abuse by a family or household member; or
(e) When a child is in immediate and present danger of being abducted and taken from the jurisdiction by a parent or relative.

330.7.1 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.

330.8 TEMPORARY CUSTODY OF JUVENILES
Pursuant to WIC § 300 et seq., a child may be taken into protective custody if they are the victim of suspected child abuse.

330.8.1 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)].

330.9 RELEASE OF REPORTS
Reports of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to PC § 11167.5 and Policy § 810.
331.1 POLICY
Members assigned to investigate or who receive a report of a possible phone offense shall determine the seriousness of the threat as defined in Penal Code §653 (m), and contact the reporting party either in person or via telephone as appropriate.

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

331.2 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.

331.2.1 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 their supervisor.

331.2.2 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 policy and Policy §344.
332.1 POLICY
Members shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property [Penal Code §14211].

Reports shall be taken on missing persons regardless of jurisdiction.

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

332.2 DEFINITIONS (PC §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 PC §277 et seq.

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

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

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

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

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

332.3 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 [PC §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.

*When taking a report of a missing person, members shall inquire about the person’s mental health status, and shall consider implementing the procedure located in Policy §332.6 when the person seems to be in danger due to their mental health disability.*

332.3.1 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.

332.3.2 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 narrative and shall submit the report to Teletype via the ‘Teletype’ button in Axon.

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.

332.3.3 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.

332.4 SUSPICIOUS/DANGEROUS CIRCUMSTANCES
When the person reported missing is under 21 years of age, is mentally disabled where they are a danger to themselves 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 their supervisor for consideration of extended searches or assistance from other bureaus and/or agencies. Members should review Policy §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 332.2), has been abducted, or is possibly being sexually exploited. This MUPS entry shall be canceled as soon as the missing person is located.

332.4.1 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:

(a) Notify their supervisor, requesting their response to the call;
(b) Document the incident on a CR as a crime or possible crime, as appropriate;
(c) List as the victim the parent or guardian from whom the juvenile(s) was taken or concealed;
(d) List the person who is believed to have taken the juvenile(s) as the suspect;
(e) List the juvenile(s) who have been taken or concealed as Missing Person in the Victim/Witness Segment of the CR;
(f) Attempt to verify any custody orders involved and document all pertinent details in their report;
(g) Complete an FPD Missing Persons Report for each child in addition to the CR;
(h) Complete and FPD Missing Persons Report for the abducting/concealing parent/guardian;
(i) 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;
(j) Call the ComCen and have a broadcast sheet made up, including both juvenile and suspect information; and
(k) 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 enroute to another jurisdiction.

332.4.2 SUPERVISOR RESPONSIBILITIES
Field supervisors will respond to all incidents involving reported abductions. They 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.

332.4.3 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.

332.4.4 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 Axon 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.

332.4.5 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.

332.4.6 BROADCASTS AND TELETYPE EnTRIES
When information indicates that the missing person may be in or enroute 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 submit the report to Teletype via the ‘Teletype’ button in Axon 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.

332.4.7 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."

332.4.8 INVESTIGATIVE AIDS
Members investigating incidents of abducted/missing children should utilize the investigative checklists found at the end of this policy.

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

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 (EC §49068.6). This notification shall be completed within ten (10) days of the disappearance, and shall include a photograph of the child when available.

332.6 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 they are 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.

332.7 LOCATED MISSING ADULTS
Members shall evaluate medical and mental health status (i.e., WIC §5150) of the found person, ask the found person if they object to the RP on the original report being informed about their whereabouts and status, and shall then release the found person absent extenuating circumstances (Policy §332.6). 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.

332.7.1 FOUND ADULTS WHO ARE LOST OR UNABLE TO CARE FOR THEMSELVES
Members encountering an adult who is lost or otherwise unable to care for themselves 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.

332.7.2 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.

332.8 LOCATED MISSING AND RUNAWAY JUVENILES
332.8.1 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.

332.8.2 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 332.3.2.

332.8.3 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.

332.8.4 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.

332.8.5 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.

332.9 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.

332.9.1 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 their 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 policy.
332.8 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.
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 their 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 (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 their 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.
333.1 POLICY
Officers who encounter a person who appears to be under the influence of drugs should detain the person and investigate.

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

333.2 EVIDENCE COLLECTION
A Department phlebotomist will be available for blood draws on all in-custody arrests between 1800-0400 hours seven days a week.

(a) The phlebotomist will be logged on to the traffic channel and will also be available by pager through ComCen.

(b) 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 Policy §373.

Evidence samples in Health & Safety Code §11550 cases are not sent to DOJ so DOJ supplies shall not be used.

(a) 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.

(b) 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.

(c) 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.

333.3 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.

333.3.1 BLOOD SAMPLE WITHOUT CONSENT
A blood sample may be obtained from a person when any of the following conditions exist:

(a) A search warrant has been obtained (Penal Code §1524); or

(b) The officer can articulate that exigent circumstances exist that justify a warrantless search.

333.3.2 FORCED BLOOD SAMPLE
If a person indicates by word or action that they will physically resist a blood draw, the officer should request a supervisor to respond. The responding supervisor should:
(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances;
(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to,
and completes a viable form of testing in a timely manner;
(c) Ensure that the withdrawal is taken in a medically approved manner.
(d) Ensure the forced withdrawal is recorded on audio and/or video when practicable.
(e) Monitor and ensure that the type and level of force applied is reasonable under the
   circumstances:
   1) Unless otherwise provided in a warrant, force should generally be limited to handcuffing or
      similar restraint methods.
   3) In felony cases, force which reasonably appears necessary to overcome the resistance to
      the blood being withdrawn may be permitted.
   (f) 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.

333.4 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.
334.1 POLICY
Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system’s individual criteria.

334.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

334.2 AMBER 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) A confirmed abduction by a stranger has occurred; or the victim of a parental abduction faces the threat of injury or death;
(b) The victim is under the age of 18, or has a proven mental or physical disability;
(c) There is reason to believe the victim is in imminent danger of serious bodily injury or death; and
(d) 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 Policy §332.

334.3 BLUE ALERTS
Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

334.3.1 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) 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;
(b) A law enforcement agency investigating the offense has determined that the suspect poses an imminent threat to the public or other law enforcement personnel;
(c) A detailed description of the suspect’s vehicle or license plate is available for broadcast; and
(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

334.4 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 (GC §8594.10):

(a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired;
(b) The department has utilized all available local resources;
(c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances;
(d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril; and
(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

334.5 RESPONSE PROCEDURES
There are two response levels regarding AMBER/Blue/Silver Alert procedures.

334.5.1 FIRST LEVEL RESPONSE PROCEDURES (FIELD SUPERVISOR)
(a) Confirm that each of the criteria associated with the alert are met;
(b) Notify the Field Commander;
(c) Confirm that ComCen has provided broadcast information to FSO, Clovis PD, local CHP (and others as indicated); and
(d) Provide on-scene personnel with a checklist when appropriate (i.e. Abducted/Missing Children Checklist for First Responders).

334.5.2 FIRST LEVEL RESPONSE PROCEDURES (FIELD COMMANDER)
(a) Obtain information, complete AMBER/Blue/Silver Alert Info Sheet (see attached form);
(b) Send the information via email to the following recipients: ...............................................................and
(c) Confirm receipt of email with ...............................................................and

334.5.3 SECOND LEVEL RESPONSE PROCEDURED (FIELD SUPERVISOR OR COMMANDER)
(a) 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);
(b) Notify FPD ...............................................................have them:
   1) Initiate call-outs of:
      I. PIO;
      II. Appropriate investigative Unit/Team responsible for follow-up investigation as needed
         (Contact the Unit/Team Sergeant for list of detectives to contact); and
      III. Other resources as directed by Field Commander.
   2) Make notifications to:
      I. Patrol District & Division Commanders;
      II. Family Justice Bureau Commander or Criminal Investigations Bureau Commander as appropriate; and
      III. Chief of Police.
(c) 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: ...............................................................which can access:
   1) CMS system (Changeable Message Sign, freeway overheads);
   2) TRAK system (Technology to Recover Abducted Kids), an internet based multi-agency flyer distribution system); and
   3) 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.
(d) Establish Command and Media Centers, as needed.
334.5 CODE RED ALERTS
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. The Code Red Emergency Notification System may be used for significant incidents and events where the timely notification of an affected population or geographic area of the City of Fresno is essential or highly desirable.

Code Red may be activated at the discretion of the Chief of Police or their designee in emergency situations. Acceptable uses for emergency notification include, but are not limited to:

(a) Missing Persons (Children, Elderly, Disabled, or at risk)
(b) Escaped Fugitives
(c) Hazmat
(d) Evacuation Notifications
(e) Evacuation Routes
(f) Evacuation Shelters
(g) Bomb Threats
(h) Traffic Emergencies
(i) Suspect Pursuits
(j) Hostage Situations

The Duty Office is responsible for launching the notification using the Code Red System. These emergency notifications will come via [redacted]. 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 their designee. Acceptable uses for non-emergency/informational notification must be planned in advance.

Examples, but not limited to:
(a) Crime spree notification
(b) Street/Highway Closings
(c) Sexual Predator Alert
(d) Neighborhood Watch Information
(e) Valley Crime Stoppers Information
   1) For Inter-Department Notification only
(f) Training Announcements for designated teams and members
(g) Testing roster contact data
(h) 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 [redacted].
Fresno Police Department

☐ Child Abduction - “Amber Alert”

☐ Blue Alert

☐ 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):

☐ Child abduction;

☐ Felonious assault on a peace officer;

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

335.1.1 PURPOSE AND SCOPE
The intent of this policy is to control illegal narcotics activity with regards to marijuana cultivation, drug laboratories, and narcotic sales and operations utilizing appropriate local, state, and federal resources.

335.2 MARIJUANA CULTIVATION CASES

335.2.1 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), and transport to either the American Avenue Landfill or a temporary storage facility (after hours) as appropriate.

If a suspect claims the right to possess the plants in accordance with the California Medical Marijuana Program, and they possess a Medical Marijuana Card, the supervisor will contact the SiB Commander for additional direction.

335.2.2 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.

335.2.3 APPROVAL FOR IMMEDIATE DISPOSAL
Pursuant to Health & Safety Code §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:

(a) All marijuana shall be weighed and photographed;
   1) At a minimum, photographs shall show the marijuana at the suspect’s residence/grow site AND being disposed of.
   2) 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.
(b) 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
(c) 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.

335.2.4 COORDINATION OF DISPOSAL
Once authorization for immediate destruction is received, the investigating member shall contact American Avenue Landfill located at 18950 W. American Ave, Kerman, CA (559-600-6138) to coordinate delivery and destruction. The hours of operation are M-F 0600-1700, Sat 0700-1600, and Sun 0800-1600. Members disposing of marijuana should advise American Landfill personnel to utilize FPD Disposal Account #A06036. Members will sign the receipt with their name, badge number, case number, and current assignment prior to returning it to the PECS Supervisor.
335.2.5 TRANSPORT TO THE AMERICAN AVENUE LANDFILL
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 unload the marijuana into the disposal trench. Following the disposal, the transport vehicle will be weighed when empty for comparison.

Note: When marijuana meeting the requirements for immediate destruction is seized after hours, the investigating member's supervisor will contact the PECS Supervisor to coordinate transportation of the marijuana to a designated temporary storage facility.

(a) When the marijuana is seized by patrol personnel, the patrol supervisor will also notify the district investigations supervisor of the seizure. The district investigations supervisor will be responsible for contacting the PECS supervisor on the next business day to coordinate the destruction of the marijuana. District personnel will remain responsible for the transport/destruction of the marijuana at the landfill.

(b) Non-patrol supervisors will notify their commander of the marijuana seized for destruction. They will also coordinate with the PECS supervisor to make arrangements for the transport/destruction of the marijuana the next business day. The unit initiating the marijuana seizure will remain responsible for its transport and destruction at the landfill.

335.2.6 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.

335.3 LABORATORIES DISCOVERED BY OFFICERS
When an officer locates an actual or suspected lab, the officer shall:

(a) Immediately leave the site of the lab and establish surveillance from a safe distance; and

(b) 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.

335.3.1 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:

(a) Location of suspected lab;

(b) Description of lab;

(c) Substance being manufactured;

(d) Description of suspects;

(e) Name of R/P and how they became aware of the lab; and

(f) Name of reporting officer and their location

335.4 NARCOTIC INVESTIGATIONS/OPERATIONS – EVENT DECONFLICTION / WSIN
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 WSIN when an operation or investigation is concluded. Refer to Policy §610
335.4.1 SUPERVISOR RESPONSIBILITY
The affected district commander shall ensure sufficient officers in their district are trained in the use of the WSIN system. The SiB shall provide the necessary training to Department personnel.
336.1 POLICY
Every member investigating a crime will ensure the victim and/or witness has been provided with
information about the existence of local victim services and a copy of the Victim’s Bill of Rights, also
known as Marsy’s Rights.

336.1.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance,
that they are provided with information from government and private resources, and that the agency
meets all related legal mandates.

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

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

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

Crime - PC §679.01 defines a crime as an act committed in this state which, if committed by a
competent adult, would constitute a misdemeanor or felony.

336.3 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 PC § 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.

336.3.1 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 them to
the proper written department material or available victim resources.

336.3.2 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 their immediate family members may be withheld from becoming a matter
of public record until the conclusion of the investigation or prosecution (PC §293).
336.3.3 WITNESSES
Officers should never guarantee a witness’ safety from future harm or that their 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.

336.4 MEMBERS RESPONSIBILITIES
336.4.1 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.

336.4.2 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.

336.3.3 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.

336.5 RECORDS SECTION RESPONSIBILITY
The Records Manager shall be the liaison officer to the Victim-Witness Assistance Program office. It shall be their 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.
337.1 POLICY
When called upon, members will assist to the extent necessary to maintain peace and the public safety on animal related incidents.

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

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

Exceptions: Members will be dispatched to animal bites when one or more of the following special circumstances exist:
   (a) A crime is involved;
   (b) The animal poses a threat to the public (i.e., vicious dog); or
   (c) There are major injuries or death.

Members will respond to maintain safety of citizens and/or property of others. (i.e. other dogs).

337.3 CARE FOR INJURED PERSONS
Members investigating animal bite calls shall provide medical assistance for injured persons.

337.4 OWNER’S RESPONSIBILITIES
When the owner of a dog that has bitten a person is located, the owner shall be informed that they are required by Fresno Municipal Code §9219 to quarantine the animal and report the incident to the Fresno County Health Department.

337.4.1 IMPOUNDING ANIMALS WHICH HAVE BITTEN
Animals that have attacked, bitten, and/or injured any person or other animal may be impounded when the owner is unavailable, unwilling, or unable to quarantine the animal. The SPCA shall be requested to respond to impound the animal pursuant to FMC § 9223.

337.5 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:
   (a) Any previous history of the animal attacking, biting, and/or causing injury to a person or animal;
   (b) The nature and extent of injuries inflicted;
   (c) The presence/absence of any provocation for the bite/attack;
   (d) Description of any property damaged/destroyed by the animal;
   (e) Any evidence of the animal being trained to fight/attack;
   (f) Whether the animal exhibits aggressive behavior;
   (g) Action taken by the member;
   (h) Advice given to the victim; and
   (i) Any warnings given to the animal’s owner.
337.6 **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.

337.7 **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 FMC § 9-217.

337.8 **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@bbmediation.org  
website: http://www.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.

337.9 **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:

(a) Injured/Sick animals;  
(b) Animals in distress;  
(c) Vicious animals and animals that have bitten and are at large or cannot be quarantined by the owner;  
(d) Impounding animals as a result of owner's arrest, injury, etc; or  
(e) 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.
338.1 POLICY
It is the policy of the Fresno Police Department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

The Fresno Police Department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

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 §344.

338.1.1 PURPOSE AND SCOPE
This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Fresno Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code §13519.6).

338.2 DEFINITIONS
In accordance with PC §422.55; PC §422.56; PC §422.6; and PC §422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias Motivation - Bias Motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in PC §422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one’s “own kind,” or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

Disability - Disability includes mental disability and physical disability as defined in Government Code §12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability Bias - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by
factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

**Gender** - Gender means sex and includes a person’s gender identity and gender expression.

**Gender Expression** - Gender expression means a person’s gender-related appearance and behavior, whether or not stereotypically associated with the person’s assigned sex at birth.

**Gender Identity** - Gender identity means each person’s internal understanding of their gender, or the perception of a person’s gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person’s sex assigned at birth, or transgender (2 California Code of Regulations §11030).

**Hate Crime** - “Hate crime” includes but is not limited to a violation of PC §422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(a) Disability
(b) Gender
(c) Nationality
(d) Race or ethnicity
(e) Religion
(f) Sexual orientation
(g) Association with a person or group with one or more of these actual or perceived characteristics:

1) “Association with a person or group with these actual or perceived characteristics” includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of PC §422.55(a).

**Note**: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

**Hate Incident** - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

(a) Name-calling
(b) Insults and epithets
(c) Distributing hate material in public places
(d) Displaying hate material on your own property

**Hate Speech** - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:
(a) Fighting words  
(b) True threats  
(c) Perjury  
(d) Blackmail  
(e) Incitement to lawless action  
(f) Conspiracy  
(g) Solicitation to commit any crime

**In Whole or In Part** - “In whole or in part because of” means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

**Nationality** - Nationality includes citizenship, country of origin, and national origin.

**Race or Ethnicity** - Race or ethnicity includes ancestry, color, and ethnic background.

**Religion** - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

**Sexual Orientation** - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

**Victim** - Victim includes but is not limited to: 
(a) Community center  
(b) Educational facility  
(c) Entity  
(d) Family  
(e) Group  
(f) Individual  
(g) Office  
(h) Meeting hall  
(i) Person  
(j) Place of worship  
(k) Private institution  
(l) Public agency  
(m) Library  
(n) Other victim or intended victim of the offense

**338.3 REPORTING AND INVESTIGATIVE RESPONSIBILITIES**  
When a member receives information of a suspected hate crime or bias crime, they shall:  
(a) Stabilize the victims and request medical attention when necessary;  
(b) Contact the victim(s), witness, or reporting party to investigate the matter further as circumstances may dictate;  
(c) Notify a supervisor as soon as practical;  
(d) 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.)];  
(e) 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)]; refer to Policy §428;  
(f) Consider additional assistance from detectives and other resources as needed;
(g) 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
(h) 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.

At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:
(a) Use agency checklist (per PC §422.87) to assist in the investigation of any hate crime (see Appendix).
(b) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
(c) Collect and photograph physical evidence or indicators of hate crimes such as:
   1) Hate literature;
   2) Spray paint cans;
   3) Threatening letters; and/or
   4) Symbols used by hate groups.
(d) Identify criminal evidence on the victim.
(e) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
(f) Conduct a preliminary investigation and record pertinent information including but not limited to:
   1) Identity of suspected perpetrators.
   2) Identity of witnesses, including those no longer at the scene.
   3) Offer the victim confidentiality per GC §6254.
   4) Prior occurrences in this area or with this victim.
   5) Statements made by suspects; exact wording is critical.
   6) The victim’s protected characteristics and determine if bias was a motivation “in whole or in part” in the commission of the crime.
(g) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
(h) Document any suspected multi-mission extremist crimes.

338.4 FIELD SUPERVISOR RESPONSIBILITIES
Upon notification of a hate crime, bias crime, or incident, the field supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:
(a) 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;
(b) Provide immediate assistance to the crime victim by:
   1) 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);
   2) Expressing the department’s interest in protecting victims’ anonymity (confidentiality forms, GC §6254) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings; and
   3) Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy,
or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per PC §422.92).

(c) Ensure that the scene is properly processed and evidence is collected;
(d) Notify the ComCen and the on duty district or field commander of the situation;
(e) When possible, arrange for an immediate increase of patrols throughout the affected area;
(f) 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;
(g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority;
(h) Verify adherence to PC §422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa). (See Policy §428);
(i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
(j) Ensure that the report of the event is complete; and
(k) Notify their chain of command of the incident in a department E-mail.

338.5 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:
(a) 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;
(b) Properly investigate any report of a hate crime committed under the color of authority per PC § 422.6 and PC § 13519.6;
(c) Conduct follow-up investigations as needed and submit those cases to the District Attorney’s Office for criminal filings;
(d) Serve as a liaison officer with the Human Relations Commission and other groups affected by hate crimes; and
(e) Provide the district commander with information on the progress of the investigation.

338.6 DISTRICT COMMANDER RESPONSIBILITIES - HATE CRIME INVESTIGATIONS
The District Commander with follow-up responsibility for the incident shall:
(a) Ensure that the investigation is actively pursued to a successful conclusion or until all leads have been exhausted;
(b) Ensure that the investigation is considered a priority matter by the assigned follow-up investigator; and
(c) Ensure that investigative personnel make immediate follow-up contact with the victim(s) to assure them that the investigation will be actively pursued.

338.7 PLANNING AND PREVENTION
In order to facilitate the guidelines contained within this policy, Fresno Police Department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.
338.8 DISTRICT COMMANDER RESPONSIBILITIES - PLANNING AND PREVENTION

Due to the size, complexity, and diversity of the City of Fresno, it will be the responsibility of each District Commander to ensure their policing district familiarizes themselves with the various groups in their districts. The District Commander shall designate a member to serve as the Hate Crimes Coordinator for the district.

Following the reporting of a hate crime or incident, district and/or field commanders shall:

(a) 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;

(b) Ensure that appropriate proactive tactics are implemented in the affected area as long as necessary following the incident;

(c) Maintain contact with affected community leaders concerning the progress of the investigation and the Department's response;

(d) Ensure that victims and other concerned parties are informed of any case clearance; and

(e) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.

338.8.1 HATE CRIMES COORDINATOR

The responsibilities of the Hate Crimes Coordinator should include but not be limited to (PC §422.87):

(a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.

(b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.

(c) Providing direct and referral assistance to the victim and the victim’s family.

(d) Conducting public meetings on hate crime threats and violence in general.

(e) Establishing relationships with formal community-based organizations and leaders.

(f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.

(g) Reviewing the Attorney General’s latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (PC §13519.6(b)(8)).

(h) Providing orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, black or African-American, Jewish, Sikh, and persons with disabilities.

(i) Verifying a process is in place to provide this policy and related orders to officers in the field; and taking reasonable steps to rectify the situation if such a process is not in place.

(j) Taking reasonable steps to ensure hate crime data is provided to the Records Bureau for mandated reporting to the Department of Justice; and

(k) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Bureau Policy.

338.9 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

(a) Dissemination of correct information.

(b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
(c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

(a) Inform community organizations in a timely manner when a community group has been the target of a hate crime.
(b) Inform the community of the impact of these crimes on the victim, the victim’s family, and the community, and of the assistance and compensation available to victims.
(c) Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
(d) Provide the community with ongoing information regarding hate crimes and/or hate incidents.

338.10 RECORDS
The Records Supervisor shall ensure the transmission of data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

338.11 ANNUAL POLICY REVIEW
An annual review of this policy shall be conducted. This review shall include but not limited to:

(a) Maintaining the department’s supply of up-to-date hate crimes brochures (PC §422.92; PC § 422.87).
(b) Annually assessing this policy, including:
   1) Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, and planning and prevention methods.
   2) Analysis of the department’s data collection as well as the available outside data (e.g., annual California Attorney General’s report on hate crime) in preparation for and response to future hate crimes.

338.12 TRAINING
All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by PC §13519.6. Training should include (PC §422.87):

(a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias and gender bias.
(b) Accurate reporting by officers, including information on the general underreporting of hate crimes.
(c) Distribution of hate crime brochures.

338.13 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.

338.14 STATUTES AND LEGAL REQUIREMENTS
Refer to the attachment provided within this Policy for Statutes, Legal Requirements, Hate Crime Checklist and Hate Crime Brochure. Members should refer to the Penal Code for the full text of the statute.
339.1 POLICY

The Fresno Police Department shall adhere to all provisions of the Reproductive Rights Law Enforcement Act (Penal Code §13775 et seq.)

332.1.1 PURPOSE AND SCOPE

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (PC §13775 et seq.).

339.2 VIOLATIONS OF PC §423.2

The following are violations of the above law unless committed by a parent or guardian acting toward their minor child or ward:

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

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

(c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility.

339.3 REPORTING REQUIREMENTS

A report will be written and routed to Investigative Services Division (ISD).

339.3.1 MEMBER REQUIREMENTS

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 §344.

339.3.2 SUPERVISOR RESPONSIBILITIES

An E-mail will also be written by the officer’s supervisor and routed through their chain of command.
340.1 POLICY
The Department will only administer the minimal amount of punitive discipline to any employee to ensure compliance for violations of any policy established by this Department. Discipline shall be based on the employees disciplinary history, severity of the violation, and any other factors, in accordance with this policy, the employees respective MOU, and established laws.

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

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

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

340.2 DEFINITIONS
Sworn Personnel – Refers to recruits, officers, and sergeants represented by the FPOA.

Non-Sworn Personnel - Refers to all personnel other than recruits, officers, and sergeants represented by the FPOA.

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

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

340.4.1 CORRECTIVE ACTION
Corrective action is designed to inform an employee of unacceptable performance or behavior, and afford the employee a choice to modify the performance or behavior in the future or face progressive disciplinary action. Any supervisor may take the following corrective measures with subordinates to include:

(a) Oral counseling;
(b) Letter of counseling;
(c) Oral reprimand; and
(d) Documented oral reprimand.
340.4.2 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:
(a) Include a date for review with the employee;
(b) Be placed only in the employee's divisional file for a period of not less than 12 months;
(c) Be removed from the file when the problem has not continued; and
(d) Not refer to any future corrective or disciplinary action(s) anticipated or threatened.

340.4.3 ORAL REPRIMANDS
Oral reprimands and documented oral reprimands are for minor offenses arising from the intentional or unintentional disregard for policies, regulations, procedures or requirements of the job.
(a) Oral Reprimand - When a supervisor or staff member makes the decision to issue an oral reprimand, they shall:
1) First address the employee as soon as practical; and
2) 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.
(b) Documented Oral Reprimand - When a supervisor or staff employee intends to issue a memorandum documenting an oral reprimand they must:
1) Have this level of corrective action approved by the employee’s district or bureau commander prior to issuing the document; and
2) 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:
(a) It shall be returned to the employee’s immediate supervisor for service.
(b) This memo shall be retained only in the employee's divisional file for a period of not less than 12 months; and
(c) When the problem has not continued, the reprimand shall be removed from the file.

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

340.5 REVIEW OF CORRECTIVE 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.

340.6 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.

### 340.7 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.

### 340.8 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.

### 340.9 ALLOWED DISCIPLINARY ACTIONS OF SWORN PERSONNEL

Discipline is designed to modify unacceptable performance or behavior, and is used when corrective action has failed, or would be inappropriate for the issue at hand. Discipline may include any of the following:

- (a) Letter of Reprimand;
- (b) Fine (up to $100 in lieu of suspension);
- (c) Suspension (up to 30 calendar days without pay);
- (d) Demotion; and/or
- (e) Termination.

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

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

### 340.9.1 AUTHORITY TO DISCIPLINE

Except for emergency suspensions, all Departmental discipline must be taken or approved as contained in this section.

- (a) Letters of Reprimand, fines, and suspensions shall be proposed by a Division Commander or the Chief of Police.
- (b) Dismissals or demotions shall be proposed by the Chief of Police.
- (c) The Skelly process for fines and suspensions shall be conducted by the Administrative Division Commander.
- (d) The Skelly process for dismissals and demotions shall be conducted by the Chief of Police.
340.10 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:
(a) State the reason(s);
(b) Be accompanied by a copy of the charges and materials upon which the action is based; and
(c) 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:
(a) Misappropriation of public funds or property;
(b) Drug addiction;
(c) Mistreatment of persons in the custody of the employee;
(d) Physical assault upon another employee or an employee of the public;
(e) Action which would constitute a felony; or
(f) A misdemeanor involving moral turpitude.

340.11 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 their 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:
(a) 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;
(b) Both Civil Service and Advisory Arbitration hearings will be closed to the public unless otherwise requested by the employee; and
(c) The filing of an appeal of discipline shall not delay the action imposed by the Chief of Police or designee.

340.12 ALLOWED DISCIPLINARY ACTIONS OF NON-SWORN PERSONNEL
Subject to the provisions of the FMC, the rules of the Civil Service Board and when necessary, with the approval of the City Manager, the following discipline may be assessed against employees by the Chief of Police or designee:
(a) Oral Reprimand
(b) Written Reprimand
(c) Suspension (up to 30 calendar days without pay)
(d) Fine (up to $100 in lieu of suspension)
(e) Demotion
(f) Termination
340.12.1 AUTHORITY TO DISCIPLINE
Final Departmental authority and responsibility rests with the Chief of Police or designee and in some cases is subject to the approval of the City Manager. Except for emergency suspensions and reprimands, all Departmental discipline must be taken or approved by the Chief of Police or designee.

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

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

340.13 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:

(a) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee’s personnel file;

(b) 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;

(c) 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 GC §3303 and applicable Department policies;

(d) 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 should be construed to establish any sort of property interest in or right to the employee’s continuation of employment;

(e) 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;

(f) In the event that a probationary employee meets their 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

(g) In the event that a probationary employee fails to meet their burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police.

340.14 EXEMPT EMPLOYEES UNDER FAIR LABOR STANDARDS ACT
Exempt employees may not be suspended for a period of less than one week, except for major safety violations. Fines are not a permissible form of discipline for exempt employees. Based on the salary resolution the following employees are exempt under the Fair Labor Standards Act:

(a) Police Lieutenant;
(b) Police Captain;
(c) Deputy Police Chief;
(d) Assistant Police Chief;
(e) Crime Scene Bureau Manager;
(f) Emergency Services Communications Supervisor;
(g) Police Data Processing Supervisor;
(h) Emergency Services Communications Manager;
(i) Records Supervisor;
(j) Data Base Administrator;
(k) Executive Secretary;
(l) Management Analyst;
(m) Chief Police Pilot; and
(n) Records Manager

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

(a) 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 them of their department-issued firearm(s), badge, keys and identification.

(b) 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.

340.16 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.

No employee shall alter, cause to be altered, or withdraw any completed administrative investigation memorandum or attachments.

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:
(a) The name, rank, and present assignment of the person being recommended for discipline;
(b) The date(s) and time(s) of the alleged misconduct and the location(s);
(c) The section number(s) of the Policy Manual or other rule or law violated or the common name of the misconduct;
(d) A complete statement of the facts of the misconduct; and
(e) The written signature, badge number, and rank of the preparing employee and their position.
340.17 RESIGNATIONS / RETIREMENTS PRIOR TO DISCIPLINE
In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

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

340.18 PROHIBITED DEPARTMENT ACTIONS
No employee shall be subjected to disciplinary action, or denied promotion, or be threatened with any such treatment because of the exercise of any rights provided in this Manual, or provided in the GC §3301, et seq.
## 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></td>
</tr>
<tr>
<td>LETTER OF COUNSELING</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>DOCUMENTED ORAL REPRIMAND</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>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>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>NOTICE OF PROPOSED FINE</td>
<td>N/A</td>
<td>Administrative Services Division Commander</td>
<td>YES</td>
<td></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>
341.1 POLICY
Members should be conscientious, prompt and attentive to their duties and shall perform those duties to the best of their abilities.

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

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

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

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

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

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

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

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

341.2.3 DISCRIMINATION, OPPRESSION OR FAVORITISM
Discriminating against, oppressing or providing favoritism to any person because of actual or perceived characteristics such as age, race, ethnicity, color, creed, religion, sex, sexual orientation, gender, gender identity or expression, national origin, ancestry, economic status, cultural group, veteran status, marital status, disability, medical condition, immigration status, housing status, occupation, language fluency, or any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

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

341.2.5 PERFORMANCE
(a) Failure to devote on-duty time to activities related to the performance of their assigned duties;
(b) Unauthorized sleeping, shopping, or reading of non-work related materials, during on-duty time or assignments;
(c) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned;
(d) Refusal, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse;

(e) Concealing or attempting to conceal defective work, removing or destroying it without permission;

(f) Disobedience or insubordination to constituted authorities or deliberate refusal to carry out any proper order from any supervisor or employee;

(g) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose;

(h) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof;

(i) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof;

(j) The falsification of records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Department record, book, paper or document;

(k) Wrongfully loaning, selling, giving away or appropriating any Department property for the personal use of the member or any unauthorized person(s);

(l) The unauthorized use of any badge, uniform, identification card or other Department equipment or property for personal gain or any other improper purpose;

(m) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member’s duties;

(n) Any knowing or negligent violation of the provisions of the Department Manual, operating procedures or other written directive of an authorized supervisor. Members shall familiarize themselves with and be responsible for compliance with each of the above and the Department shall make each available to the members;

(o) Work related dishonesty, including attempted or actual theft of Department property, services or the property of others;

(p) Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (on or off-duty);

(q) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form;

(r) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures;

(s) Substantiated, active, continuing association with or membership in "gang," "organized crime" and/or "criminal syndicates" with knowledge thereof, except as specifically directed and authorized by the Department;

(t) Offer or acceptance of a bribe or gratuity or extending/accepting preferential treatment;

(u) Misappropriation or misuse of public funds;

(v) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct;

(w) Unlawful gambling or unlawful betting on Department premises or at any work site;

(x) Substantiated, active, continuing association on a personal, rather than official, basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the member has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department;

(y) Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty or on Department property except as expressly authorized;

(z) Engaging in political activities during assigned working hours except as expressly authorized;

(aa) Violating any misdemeanor or felony statute;

(ab) Any other on-duty or off-duty conduct which any member knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members;
(ac) Any failure or refusal of an employee to properly perform the function and duties of an assigned position;
(ad) False or misleading statements to a supervisor;
(ae) Failure to provide proper referrals for needed services or assistance beyond the scope of police services;
(af) Failure to provide all proper Departmental identifying information upon request (i.e. name and badge number); or
(ag) Becoming "personally" involved in any call or investigation where a friend, relative, or neighbor is involved.

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

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

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

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

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

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

342.2 DEFINITIONS

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

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

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

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

Temporary File or Permanent File or File – Shall mean any electronic document, information or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

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

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

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

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

No member shall knowingly make, acquire, or use unauthorized copies of computer software not licensed to the Department while on Department premises or on a Department computer system.

342.6 INTERNET USE
Incidental personal use of the Department computer system is acceptable unless it interferes with daily work and violates any stipulations within this Policy. Members shall not access or download content that is illegal or inappropriate for the workplace. Software programs must be approved by Department Information Technology personnel prior to being downloaded.
Nothing in this order shall prohibit any member, in official capacity, from acquiring information from the Internet during the course and scope of an investigation or while conducting Department related research.

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

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

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

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

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

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

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

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

342.9 REGULATORY EXCEPTION
The Network System Specialist, Information Services Bureau Manager and their designees shall be exempt from the regulations of this order as is necessary to conduct duty related business.

342.9.1 NOTICE OF EMPLOYEE SEPARATION AND USER ACCOUNTS
Upon exit from the City of Fresno employment or volunteer services, assigned supervisors should forward that individual’s name to the Information Services Bureau Manager.
343.1 POLICY
All aspects of Electronic Tracking Device are to be considered confidential. Knowledge of the purpose and operations of Electronic Tracking Device is on a need-to-know basis only.

343.1.1 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 policy 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.

343.1.2 CONFIDENTIAL NATURE
Members SHALL NOT discuss or divulge any aspect of the ETS / ESP system operation with non-law enforcement personnel.

343.2 SYSTEMS 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.

343.3 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.

343.3.1 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.

343.3.2 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.
343.3.3 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.

343.3.4 ESP HANDBLED 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.

343.4 OFFICER RESPONSIBILITY
Officers assigned to an ETS equipped vehicle shall inspect the tracking equipment at the beginning of their shift by:
(a) Monitoring the self-test sequence on the mobile display;
(b) Checking the phase alignment by aiming the front of the vehicle at the station signal monitor;
(c) Checking the pocket tracker by observing the self-test in station signal monitor; and
(d) Notifying the supervisor of any equipment needing repair.

343.5 RESPONSE TO ETS / ESP ACTIVATION
343.5.1 ETS / ESP MONITOR ALERT
When an Emergency Services Dispatcher (ESD) receives an ETS / ESP alert display on the monitor, they will wait 10 seconds, and then 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:
(a) Be assigned to coordinate the radio traffic and monitor the ETS / ESP console on a designated radio channel;
(b) 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;
(c) Deploy ETS equipped units to priority locations as needed;
(d) Notify the air support of the 211T;
(e) Work with the controlling supervisor and the primary unit in directing assisting units to appropriate locations to intercept a hot tag; and
(f) Notify neighboring law enforcement jurisdictions, which may be affected by the track.

343.5.2 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:
(a) 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;
(b) Coordinating the response of all units including coverage of escape routes, keeping the ComCen notified of developments, etc.;
(c) Directing the tactical plan when suspect(s) reach a destination; and
(d) Preparing an E-mail on the incident dispatched to obtain descriptions and other pertinent details which shall be broadcast as soon as practical;

343.5.3 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:
- (a) Alert;
- (b) Approximate location and direction of travel of the tag; and
- (c) 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:
- (a) When an ETS equipped unit is on a call at a time when a 211T is broadcast, the unit may break from their current call only upon approval of the ESD;
- (b) 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;
- (c) Attempt to triangulate the location of the tag;
- (d) 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;
- (e) Inform the ESD on all aspects of an in progress track;
- (f) 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;
- (g) The business where the tag originated should be contacted as soon as possible after it has been identified;
- (h) The bill pack and transmitter are collected as evidence; and
- (i) 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).

343.6 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:
- (a) Hyde Park, at top of hill (Thorne & Florence);
- (b) Freeway 41 at Highway 180 Interchange;
- (c) Chestnut/Kings Canyon;
- (d) Herndon/Freeway 41; and
- (e) 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:
- (a) Jensen/Freeway 99 (overpass);
- (b) Freeway 41/Between O Street and Van Ness off ramps;
- (c) McKinley/Maple;
- (d) Cedar/Shaw;
- (e) Freeway 41/Shields (overpass);
- (f) Shaw/West; and
- (g) Clinton/Freeway 99 (overpass).

343.7 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, they 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.

343.7.1 FALSE ALARMS BILLING
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.

343.8 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.

343.9 MULTI-JURISDICTIONAL INCIDENTS
When it appears that a track will enter Clovis, the ComCen will notify Clovis PD dispatch and provide current information regarding:
(a) Approximate location of the track and direction of travel;
(b) Suspect and vehicle description, type of offense, and weapons used;
(c) Number of trackers involved in operation;
(d) The terminus of the track and disposition of suspect(s); and
(e) 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.

343.10 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.

343.11 LIAISON OFFICER
A member will be designated by the Department who is responsible for:
(a) Acting as liaison between participating businesses, the Clovis Police Department, the City Communications Services Division, the Department, 3SI Security Systems, and ETS Systems;
(b) Providing the ComCen with a current list of participating businesses;
(c) Maintaining training kits;
(d) Coordinating training of new members through the PTO program;
(e) Conducting Departmental training exercises; and
(f) Providing ComCen with a current list of ETS equipped vehicles.
Policy 344

Report Preparation

344.1 POLICY
A Crime Report shall be prepared whenever any reported crime has been committed or is logically suspected of having been committed in the City. All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Members shall not repress, conceal or distort the facts of any reported incident, nor shall any member make a false report orally or in writing.

344.1.1 PURPOSE AND SCOPE
The purpose of reports is to document sufficient information to refresh the member’s memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

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

344.2 REPORT COMPLETION
A Crime Report shall be prepared whenever any reported crime has been committed or is logically suspected of having been committed in the City. The reporting member shall list their full name and badge number as well as provide the full name and badge number of all assisting members on all reports.

When practical members shall complete the offense section in Axon Records for all reports at the time the case number is pulled, but no later than the end of the member’s shift. This shall be done regardless of whether the full report is completed at that time.

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:

(a) Part One and possible Part One offenses
   1) Homicide;
   2) Rape;
   3) Robbery;
   4) Aggravated Assault *
   5) Burglary;
   6) Larceny;
   7) Motor Vehicle Theft;
   8) Arson;
(b) In custody, cited, or identified suspects;
(c) Solvability factors which would require immediate action by a follow-up investigator;
(d) A missing person;
(e) A Welfare & Institutions Code §300 placement; or
(f) 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.

344.3 ON DUTY REPORT WRITING
Field members are to come in service from a call as soon as they have completed their preliminary investigation.
   (a) Reports are not to be written while still out on the call.
   (b) When there are no 0 or 1 priority calls holding in their district, field members may put themselves out "report writing" without having to consult with the ComCen.
   (c) Consistent with other dispatching protocols, ESD’s should allow field members to report write when no 0 or 1 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.

344.4 DICTATING
Report narratives may be dictated when the narrative, if handwritten, would exceed one single spaced page and:
   (a) The incident is a felony; or
   (b) The incident is a misdemeanor with suspect(s) in-custody; or
   (c) The report is of a sensitive or unusual nature (permission to dictate must be given by the member's supervisor).

When submitting a dictated report, the narrative should state “Narrative Dictated” and be submitted in Axon Records for supervisor approval. The supervisor shall leave the report, unapproved, in ‘Supervisor Review’ status. The Transcriptionist will paste the dictated narrative into the member’s report and reject the report back to the authoring member for review.

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.

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

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

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

Use of the Synoptical Report is limited to the following categories:
   (a) WIC §5150 committals (see Policy §418);
   (b) Theft (except vehicles, vehicle burglary, license plates, firearms, and checks) and vandalism (except graffiti cases);
   (c) Noise complaints when documentation is requested and no arrest is forthcoming;
   (d) Telephone offenses except where an immediate threat to life exists;
   (e) Lost property (except checks);
   (f) Found property/contraband;
(g) Property stored for safekeeping not related to an incident otherwise requiring a report;
(h) Courtesy reports except those mandated by law (e.g., missing persons) or those involving person related felonies;
(i) Misdemeanor hit and run with no suspect or suspect vehicle information;
(j) Industrial accidents involving injury;
(k) Animal complaints, except bites involving special circumstances;
(l) All other misdemeanor crimes;
(m) Illegal dumping;
(n) Citizen requests for documentation relating to disturbances in which no crime has occurred;
(o) 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;
(p) Non-crime incidents where juveniles are involved but are not cited or arrested, including:
   1) Reprimand and release without any further police action;
   2) Disturbance; or
   3) Detention with later release to a parent.
(q) Death involved the End of Life Option Act:
   1) Whether or not assistance was provided to the person beyond that allowed by law (HS §443.14);
   2) 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 (HS §443.17); and/or
   3) Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug (HS §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.

344.5.1 SYNOPTICAL REPORT CONTENT
(a) Identifying information on the parties involved (i.e., name, race, sex, DOB, address, and phone numbers);
(b) 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
(c) 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.

344.5.2 EXPLANATION TO RP’S
The Synoptical case number will be given to the RP prior to clearing the call.
(a) 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.
(b) The RP should be instructed to keep whatever level of formal documentation they desire along with the original case number.
(c) 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.
(d) Copies of the Synoptical Report printouts may be obtained from Records.

344.5.3 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.

344.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES
A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Bureau shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (PC §23685).
344.7 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) A juvenile is booked into JJC without a warrant on felony or misdemeanor charges; or
(b) 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:

(a) Create a new ePCD and/or edit a previously started ePCD;
(b) Submit a ‘Not In Custody’ (NIC) ePCD for at-large suspect’s for supervisor review/approval;
(c) Submit an ‘In-Custody’ ePCD for judicial review/approval at the time of booking;
(d) Complete a previously submitted NIC ePCD when an arrest is made;
   1) Requires ePCD to be reviewed/approved by a supervisor prior to judicial review/approval.
(e) Edit/correct ePCD’s returned for additional information by a supervisor or reviewing judge; and
(f) Monitor the status of ePCD’s previously submitted for supervisor or judicial review/approval.

344.7.1 NARRATIVE
The narrative of the ePCD shall be a synopsis of the report details and articulate:

(a) The facts that support probable cause for detention or other contact that subsequently lead to the discovery of a crime;
(b) The basic elements of the crime for which the arrest is made; and
(c) How the suspect was identified and connected to the crime(s).

344.7.2 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.

344.7.3 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.

344.7.4 HOSPITALIZED SUSPECTS
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 Policy §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 Policy §355)

344.7.5 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 them 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:

(a) When the officer is scheduled to return to work before the 48 hour deadline, the Duty Office will contact the officer upon their return to work and ensure he or she is aware of the need to correct and resubmit the ePCD;
(b) 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 the officer is off-duty. The officer has two options:
1) Access Fresno County ePCD system remotely to correct and resubmit the ePCD (without responding in person); or
2) Respond in person to make the corrections and resubmit the ePCD.

344.8 PROPERTY
Members shall list any property that is lost, stolen, found, or booked for safekeeping in the property section of the report in Axon Records. Any property booked as evidence with a serial number or owner applied number shall be listed in the property section in Axon Records. When the property has a serial or owner applied number, the member shall forward the property information to Teletype through Axon Records 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.

344.9 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) 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.
(b) 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.

344.10 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.

344.11 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 their 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.
344.11.1 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 ePCD’s 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.

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

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

345.2 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.

345.3 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, HS §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.

345.4 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).

345.5 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.

345.6 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.

345.7 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 their 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 their supervisor immediately.

345.8 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.
345.9 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.

345.10 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.

345.11 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.

345.12 ARSON INVESTIGATIONS
345.12.1 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.

345.12.2 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.

345.12.3 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.
346.1 POLICY
Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative, or if unavailable, to the first available supervisor.

346.1.1 PURPOSE AND SCOPE
This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES
The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Shift Sergeants and designated Public Information Officer(s) (PIO) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST
Prior to releasing any information to the media, members shall consider the following:
(a) At no time shall any member of the Department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department PIO;
(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Department;
(c) Under no circumstance should any member of the Department make any comment(s) to the media regarding any law enforcement incident not involving this Department without prior approval of the Chief of Police.

346.3 MEDIA ACCESS
Authorized and bona fide members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions [Penal Code §409.5(d)]:
(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public;
(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations. In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to a command post at the nearest location that will not interfere with such activities (e.g., Text message the location to the media);
(c) No member of the Department shall be subjected to media visits or interviews without the consent of the involved member [Government Code §3303(e)]; and
(d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the expressed consent of the person in custody.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE
The Department will provide information to members of the media on a daily basis through the following methods:
(a) Social Media Updates - The Department social media site will be updated with items of significant interest to the media on a daily basis (See Policy §1058);
(b) Text Messaging – Text Messages shall be sent to members of the media as soon as possible after newsworthy events to allow the opportunity for on-the-scene coverage;
(c) Crime Data – Crime data is available for download via the City of Fresno web site; and
(d) M.A.R.S. – CAD calls are made available to members of the media through the MARS web site. This data is delayed 5 minutes for officer safety. Access to the information requires a user ID and password which are provided to members of the media by the PIO by request.

Information relating to crimes will be provided to the media. This information will be restricted to:
(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation;
(b) The date, time, location, case number, name, birth date and charges for each person arrested by this Department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation;
(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law; and
(d) General facts of the case. This can be released at the discretion of the PIO and the investigator overseeing the case.

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

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

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

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

346.5 RESTRICTED INFORMATION
It shall be the responsibility of the authorized member dealing with media requests to ensure that restricted information is not inappropriately released to the media by this Department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:
(a) Confidential peace officer personnel information (See Policy §1026)
   1) The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act;
(b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code §20012);
(c) Criminal history information;
(d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation;
(e) Information pertaining to pending litigation involving this Department;
(f) Information obtained in confidence; and/or
(g) Any information that is otherwise privileged or restricted under state or federal law. [GC §6254(k)].
347.1 POLICY
Members shall thoroughly investigate all reported sexual assault cases. All sexual assault investigations shall be properly documented in a police report.

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

347.2 SEXUAL ASSAULT INVESTIGATIONS
Members shall attempt to obtain as much information as possible from victim/witness/suspect statements, even if a victim refuses to cooperate and expresses no desire for police involvement, and list information which would enhance evidence collection. Members shall:
(a) Complete a report regardless of the intent of the victim;
(b) Provide all sexual assault victims with the Victim's Information Form [Penal Code §264.2(a) and §13701];
(c) Provide the Sexual Assault Investigative Letter containing their name, badge number and case number;
(d) Check for any video/or electronic evidence; and
(e) Determine the location of occurrence and make appropriate arrangements to process it.

347.3 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, doused 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.

347.3.1 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)].
347.4 EVIDENCE COLLECTION

347.4.1 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.

347.4.2 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 their signature.

(a) Officers shall remain at the location with the victim until they are able to brief the forensic nurse.
(b) 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.
(c) Once officers have briefed the forensic nurse, they may clear the call unless additional investigation is required.

347.4.3 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.

(a) 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 their signature.
(b) Two members (gender appropriate) will stand by the suspect while the forensic nurse completes the sexual assault examination, and maintain custody of suspect.
(c) 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.

347.4.4 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.

347.5 INVESTIGATIVE ASSISTANCE / DETECTIVE CALL-OUT

347.5.1 MANDATORY NOTIFICATIONS
Members shall contact their supervisor while investigating sexual assaults which involve any of the following circumstances:

(a) Sexual Assault involving serious injury in which immediate follow-up investigation is needed;
(b) Rapes where the suspect is a stranger, and there are investigative leads, which require immediate follow-up;
(c) Child molest involving serious injury;
(d) Offenses which are part of a recognized pattern of criminal sexual activity; or
(e) 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.

347.5.2 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.

347.6 RESPONSIBILITIES

347.6.1 SAFE NURSE DUTIES:
(a) Complete the sexual assault examination and collection of evidence (to include the clothing worn by the victim/suspect at the time of the examination;
(b) Draw blood for toxicology analysis on adult cases;
(c) Complete a “Forensic Medical Report: Sexual Assault Victim/Suspect Examination;
(d) Fax a copy of the medical report to the Department’s Family Justice Bureau at (559) 488-1011;
(e) Maintain and document the proper chain of custody of the evidence; and
(f) Arrange for pickup, thru FPD’s Communication Center.

347.6.2 COMCEN DUTIES:
(a) 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.

347.6.3 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.

347.6.4 VICTIM SEXUAL ASSAULT KIT COLLECTION FROM FAMILY HEALING CENTER:
The detective designated by the SAU supervisor shall:
(a) Collect the sexual assault kit, medical report, and related evidence from the forensic nurse/administrative assistant;
(b) Shall respond directly to the PECS warehouse and book the kit;
(c) Book the CD into evidence and place in a locker at HQ;
(d) Book the toxicology blood into the CVT locker;
(e) Turn the medical report into Records, ensuring the FPD case number is written in the top right corner; and
(f) Document the chain of evidence in a supplemental report.

347.6.5 SEXUAL ASSAULT KIT COLLECTION FROM OTHER MEDICAL FACILITIES
The detective designated by the SAU sergeant shall:
(a) Create a FileOnQ entry to establish chain of custody;
(b) Transport the kit directly to the California Department of Justice Bureau of Forensic Services Laboratory (5311 N. Woodrow, Fresno, CA); and
(c) 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.

### 347.7 BOOKING OF SEXUAL ASSAULT EVIDENCE

(a) The large white box (main Sexual Assault kit) should be listed as your first item.

(b) 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.

(c) 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:

1. Make sure to group Suspect and Victim items together.
2. Each item should have a SEPARATE label.

(d) 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.)

(e) 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.

(f) 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.

(g) 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.

(h) 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.

### 347.8 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. (PC §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) (PC §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 (PC §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.
347.9 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 Welfare & Institutions Code §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:

(a) The member's name;
(b) The name of the juvenile;
(c) The location of the juvenile;
(d) The nature and extent of injury, if any;
(e) Information that led the member to suspect the child was sexually assaulted; and
(f) Any other information requested by CPS.

The member shall include in their 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)].

347.10 INFORMATION CONFIDENTIALITY
PC §293 and Government Code §6254(f)(2) address the confidentiality of information regarding sexual assault victims. When utilizing Axon Records for report completion, officers shall mark the “Confidential” box under ‘Case Factors’ and the ‘Name’ tab for the victim(s).

347.11 MAINTENANCE AND DESTRUCTION OF SEXUAL ASSAULT KITS
Sexual Assault (SA) kits shall be stored and may be destroyed in accordance with the following:

(a) 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.
(b) 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;
   1) **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.
(c) 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 PC §§801.1(a), 801.1(b), 803, and 804.
348.1 POLICY
Compliance with court appearances and subpoenas is mandatory on all cases for which members have been properly subpoenaed, or properly notified.

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

348.2 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 they are 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.

When a Department member is specifically ordered to appear in court at a particular date and time by a court official outside of the subpoena process, they shall do so in accordance with § G of this Policy.

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.

348.3 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.

348.4 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.

348.5 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 their 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.

348.6 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 Penal Code §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:
(a) Sign and date the original notice immediately upon receipt;
(b) Indicate any date conflict(s) in the space provided, or on an attached memo;
(c) Provide an explanation if it is believed that the member’s testimony is not needed;
(d) Return the notice to the supervisor or designee, who shall forward it to the CLO by the conclusion of the shift;
(e) Retain the member’s copy in a suitable location to serve as a timely reminder of the obligation; and
(f) 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.

348.7 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.

348.8 SUBPOENA’S AND 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 their 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.

348.9 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.

348.10 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.

348.11 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.

348.12 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.

348.13 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.

348.14 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.

348.15 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.

348.16 JURY SUMMONS FOR CIVILIAN MEMBERS
348.16.1 ON-DUTY MEMBERS
(a) Upon receipt of a summons for jury duty, the summoned member shall expeditiously notify their immediate supervisor.
(b) 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.
(c) 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.
(d) 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 their assigned duty station
until needed again, until the end of the work day, or until they are completely released from the summons, whichever comes first.

(e) 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.

348.16.2 SHIFT ADJUSTMENT
The Department will allow a summoned member assigned to a night shift to temporarily flex their 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.

348.16.3 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.

348.17 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.

348.18 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.

348.19 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.

348.20 COURTROOM 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.

348.21 COMPENSATION FOR COURT TIME
If the member appeared on their off-duty time, they will be compensated in accordance with the members Memorandum of Understanding (MOU).
348.22 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:

(a) 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;

(b) 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.);

(c) 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

(d) 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.

348.23 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.

348.24 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:

(a) 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;

(b) 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;

(c) 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;

(a) 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

(b) 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.

348.25 REPORTING OF COURT TIME
All members required to make an appearance as defined in Section 348.22, Court Time Defined, shall submit an OTTO Request to their 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.

348.26 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.

348.27 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.

348.28 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.

348.29 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:
(a) Providing testimony or information for the defense in any criminal trial or proceeding;
(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or
(c) 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.
**349.1 POLICY**
Supervisors shall be responsible for the proper completion of all work assigned to personnel under their command.

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

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

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

Supervisors are responsible for ensuring their superiors are continually apprised of all matters that affect personnel under the supervisor’s command that may require Departmental action, impact the superior in the performance of their 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.

**349.3 SUPERVISORY CALLS**
Supervisors shall respond to all calls assigned to their personnel that involve:

- (a) The use of firearms (not including shots fired calls);
- (b) The use of explosives;
- (c) Injured members;
- (d) Members using reportable force;
- (e) Homicides and other crimes involving serious injury;
- (f) All cases of death or impending death other than those which are confirmed to be from natural causes;
- (g) Fatal and serious injury accidents;
- (h) Missing juveniles under 12 years of age;
- (i) Vehicular pursuits;
- (j) Riots, large disturbances, or labor disputes;
- (k) Complaints against the Department or its members;
- (l) Incidents involving off-duty members; and
- (m) 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.

**349.3.1 REPORTABLE FORCE DEFINED**
Reportable force has occurred when:

- (a) Members (including canines) use force and a person is injured, has expressed a complaint of pain, or has been rendered unconscious;
- (b) Members strike a person with a body part (e.g., fist, foot, elbow, etc.) or any object (e.g., flashlight, clipboard, etc.) or
- (c) Members use (not merely display) a Department issued weapon (e.g., baton, chemical agents, Taser™, less-lethal, shotgun, firearm, etc.) against another.
349.4 REPORTABLE FORCE – REQUIRED DOCUMENTATION

349.4.1 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.

(a) The supervisor shall record the statements of all involved individual(s) and witnesses interviewed.
   1) **Exception:** K-9 officers will obtain civil liability statements for K-9 related reportable force.
(b) 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.

349.4.2 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:
(a) Date and time of Interview;
(b) Name of person(s) interviewed;
(c) Location of interview; and
(d) Name of member conducting interview(s).

349.4.3 USE OF REPORTABLE FORCE FORMS – GENERAL INSTRUCTIONS
Supervisors shall thoroughly complete an electronic Use of Force Form via the IAPro BlueTeam web interface.

(a) Whenever possible, the supervisor completing the Use of Force Form should also approve the officer’s report documenting the reportable force.
(b) When a supervisor has used reportable force, a non-involved supervisor shall complete the Use of Force Form.
(c) 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) A copy of the officer’s report shall be electronically attached;
(b) Supervisors shall highlight the portions of the report specifically detailing the use of force;
(c) 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);
(d) The completed form will be forwarded from the supervisor directly to the Legal Advisor;
(e) 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);
(f) Each staff member in the chain of command will generally have three business days for review prior to forwarding it, along with their comments, to the next person in the review process.
(g) The bureau commander shall review and forward the form to the **Policy and Procedures Unit** along with any comments that may have been added;
   1) 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.
(h) The **Policy and Procedures Unit** will review the form for accuracy and forward it to the Internal Affairs secretary.
349.4.4 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:

(a) The K-9 Unit supervisor will electronically attach the K-9 officer’s report documenting the K-9 application; and
(b) 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.

349.4.5 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 Blue Team.

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.

349.5 UNUSUAL OCCURRENCES
Supervisors are required to notify a field/district commander when any of the following incidents occur:

(a) A homicide or attempted homicide occurs in the City;
(b) A member discharges a weapon other than for training or evidentiary purposes;
(c) Department vehicles suffer major damage from accident or attack;
(d) City property suffers major damage from attack;
(e) A member is injured in the line of duty and the injuries will cause the member to be relieved of their duties for any period of time;
(f) Any situation occurs which is likely to result in considerable news media attention;
(g) There has been a disturbance involving large numbers of persons;
(h) There exists a reasonable possibility of criminal or civil liability for any incident involving a member, the Department, or the City;
(i) The SWAT team responds to any incident;
(j) An Electronic Tracking System event occurs;
(k) There is information that the Chief of Police, or designee, does not have and should be advised of;
(l) A person dies while in the custody of the Department; or
(m) Personal injury or major property damage has been sustained as a result of a hate incident.

349.6 PURSUIT CRITIQUE
Whenever a pursuit occurs, prior to completion of their shift, supervisors shall:

(a) Create a pursuit review package using the BlueTeam web interface to include answering related questions and selecting appropriate entries via drop down boxes; and
(b) 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.

349.7 INCIDENT 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) A member is seriously injured or killed;
(b) A member is involved in any action that results in a potentially fatal injury or the actual death of any person;
(c) Members or resources are requested or likely to be requested in another jurisdiction under formal or informal mutual aid;
(d) A riot, major disturbance, or public catastrophe occurs in the City; or
(e) 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.)

349.8 CHECKING REPORTS
Supervisors or their designee shall check Axon Records 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 Policy §344.

Sergeants (not designees) shall approve all officer reports documenting reportable force incidents. When a sergeant is required to document force they personally used, another sergeant should review and approve their report.

349.9 INJURED MEMBERS
Supervisors shall supervise the handling of all incidents involving injured members. Their responsibilities include:
(a) Arranging for medical treatment, if needed;
(b) Completion of Supervisor's Report of Injury (SRI) Form; and
(c) Completion of Employee's Claim for Workers' Compensation Benefits Form (DWC1) within 24 hours.

Refer to Policy §1042 for additional information regarding injured members.

349.10 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.

349.11 BRIEFING
Supervisors, or their designees, are responsible for conducting briefing at the beginning of each shift.
(a) Supervisors should assess the readiness of each Department member with respect to the performance of their duties;
(b) 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:

(a) Wanted person;
(b) Problem locations;
(c) Any new or recently modified policy/procedures;
(d) Daily patrol activity, with particular attention to unusual situations occurring within the district or City;
(e) Potential and actual police hazards;
(f) Changes in status of wanted persons, stolen vehicles, major investigations, community activities, etc.; and
(g) 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.

(a) Members shall receive all current information regarding their district/unit during the contact.
(b) 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.
350.1 POLICY
The Fresno Police Department shall recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by the Department.

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

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

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

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

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

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

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

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

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

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

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

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

To qualify for a weapons authorization card, a reserve officer must meet the following conditions:
(a) Be in good standing with the Reserve Unit and off probation, as described in Section II – General Regulations, paragraph E of the Reserve Unit Operations Manual
(b) All firearms must be within Department guidelines (refer to Policy §312 - Firearms, section 312.3 – Approved Handguns & Ammunition)
(c) The issuance of a department weapons card does not grant off-duty peace officer authority to reserve officers.
(d) Police officer reserves are reminded that their private employer or any other private business may have a policy that prevents them to carry their off-duty firearm onto their premises and this policy shall be honored with no exceptions.
(e) Police officer reserves are forbidden to wear their reserve badge and or any other department identification next to their weapon while off-duty.

350.8 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 PC §§830.6(a)(1), 832.6(a)(1), and 832.6(a)(3).
350.9 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.

350.10 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.
351.1 POLICY
The Department, and each of its members, is committed to juvenile justice programs and procedures which build relationships, prevent crime, and control juvenile delinquency. In all circumstances, interaction between Department members and juveniles shall work to accomplish these goals and objectives.

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

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

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

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

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

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

At least annually, the above programs shall be reviewed by the responsible bureau, section, or unit commander, to justify their continuance.
352.1 POLICY
It is the policy of this Department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this Department, when another law enforcement agency requests assistance with an arrest or detention of any person. This Department may also request an outside agency to provide assistance.

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

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

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

352.3 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.

352.4 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.

352.5 MULTIPLE CRIMINAL ACTS IN MULTIPLE JURISDICTIONS
Multiple criminal acts involving major crimes occurring in more than one jurisdiction shall be handled as follows:
(a) 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;
(b) In the absence of knowledge of the location of other offenses, the jurisdiction where the last known offense occurred will assume investigative responsibility;
(c) 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
(d) 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.
354.1 POLICY
It shall be the policy of the Fresno Police Department to establish alternative methods for handling petty
theft (shoplifting) incidents at businesses.

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

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

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

354.4 REPORTING CRITERIA
Members shall prepare a crime report on petty thefts from businesses only when:
(a) A suspect is in custody, and
1) The suspect does not meet the Shoplifter Release Program release criteria.
All other petty thefts shall be handled in accordance with Policy §307 - Petty Thefts.

354.5 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 Policy §354.3
Obtain the LPO’s identifying information, name and location of the business;
(a) Obtain the facts associated with the detention;
(b) 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.
(c) Conduct a warrant check; if suspect does 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.
(d) 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
(e) 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:
(a) 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.
(b) 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.

354.6 LOSS PREVENTION OFFICER (LPO) ARRESTS OF ADULTS
When an adult is arrested by an LPO that utilizes CopLogic, LPO’s will:
(a) Call FPD Dispatch who will advise whether the suspect qualifies for the release program;
(b) Photograph the suspect (to be attached to the CopLogic report);
(c) Photograph the recovered property (to be attached to the CopLogic report);
(d) Photocopy/photograph the suspect’s identification (to be attached to the CopLogic report);
(e) Fingerprint the suspect;
(f) 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.
(g) Release the suspect with a copy of the release waiver; and
(h) Attach a photocopy of the release waiver form to the report.

354.7 STORE SECURITY DETENTIONS / ARRESTS OF JUVENILES
When a juvenile is detained/arrested by a LPO, the LPO will complete a CopLogic report (Note: this will become Juvenile Arrest Report (JAR) when CopLogic report migrates into Axon Records).
355.1 POLICY
Officers and Cadets shall exercise sufficient control over arrestees in their custody so as to minimize the potential for escape, injury, property damage, and/or evidence destruction.

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

355.2 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:
(a) Persons arrested only for public intoxication; and
(b) 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
(c) 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.

355.3 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 they desire and to make necessary arrangements related to their arrest. The phone calls are not intended to be lengthy conversations and the officer may use their 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 their 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.
355.3.1 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 Policy §900 for specific requirements involving juvenile arrestees.

355.4 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.

355.5 FEE EXEMPT BOOKING
A booking is deemed "Fee Exempt" when an adult suspect is booked for any of the following:
(a) Felony or misdemeanor bench warrants issued for failure to appear in court;
(b) Any arrest warrant issued for a crime committed outside the Department's jurisdiction;
(c) Violations of parole or probation except where there is a separate charge for a crime occurring in the jurisdiction of the Department;
(d) Charges resulting from a mutual aid response to another agency;
(e) Escape from a local, state, or federal custodial facility;
(f) On charges resulting from riots, disturbances, or events for which the Governor has declared a state of emergency; or
(g) 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.

355.6 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 their 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 Policy §420.

When the arrestee is incapacitated to the extent they are 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.
355.6.1 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 Policy §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.

355.6.2 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/cadet 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 Policy §300 – Use of Force).

355.7 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.

355.8 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.

355.9 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:

(a) Officers with a felony prisoner requiring hospitalization will advise their supervisor. The supervisor will respond to assess the factors surrounding the prisoner.
(b) 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.
(c) The PIO Field Commander will notify the Duty Office who will initiate prisoner watch duty assignments.
(d) 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.
(e) The PIO Field Commander will monitor the prisoner watch process and can cancel any officer or cadet as outlined in PC §§4011.7 and 4011.9 after consulting with the Legal Advisor and Patrol Division Commander.
(f) 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.
(g) 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.
(h) The Duty Office will maintain an updated log for hospitalized prisoners.
(i) 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.

(j) 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.

(k) 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.

(l) 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.

(m) 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.

### 355.10 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.

(a) This property shall be put in a prisoner property envelope.

(b) The information spaces on the envelopes shall be thoroughly completed, including the arrestee's signature.

(c) When an arrestee refuses to sign the envelope, the officer shall write "Refused to Sign" on the inmate signature line.

(d) An arrestee's money shall be deposited in the Intake Kiosk:
   1) During the booking process, the FCJ booking officer will provide the Arresting/Transporting Officer with the arrestee's Booking Number;
   2) 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.
   3) 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 Policy §804.

(a) Officers booking property from an arrestee into the PECS shall give a copy of the Property for Safe Keeping Receipt to the arrestee before they are booked.

### 355.11 MIRANDA WARNINGS

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

#### 355.11.1 WARNING AND WAIVER REQUIRED

The "Warning" and "Waiver" are generally required prior to any questioning in which the arrested person in custody may incriminate themselves 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."

(a) When the Miranda Warning and Waiver are given, officers shall note such fact in their report of the incident.

(b) Any waiver given by a suspect shall also be included in the report using the suspect's exact words and/or gestures.
355.11.2 WARNING NOT REQUIRED
The following list of examples where Miranda warnings are not required is not intended to be all inclusive:
(a) 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;
(b) The warnings are not required in order to obtain information needed to complete arrest tags or the booking process; and
(c) A person who, without any questioning by an officer, voluntarily makes an admission, statement, or confession shall not be interrupted to advise them of their rights. When an officer intends to ask any "clarifying" question following such an admission, statement or confession, they must then give the warnings and obtain a waiver before asking follow-up questions.

355.12 SERVING ADULT WARRANTS
355.12.1 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.

355.12.2 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:
(a) 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;
(b) The agency, if within California, will be given the mnemonics "FRF0" to be used in addressing the abstract;
(c) 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
(d) 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:
   1) Contact the FCJ booking section and advise them of the pending arrival of the abstract;
   2) Complete the AR with as much detail as can be obtained from the Wanted Persons Entry, phone conversations, etc.;
   3) Attach copies of the teletype "hit" to the AR;
   4) Book the subject at the FCJ;
   5) Be dispatched to retrieve the abstract when received by the Department;
   6) The officer shall take the abstract to the FCJ to be attached to the prisoner's paperwork; and
   7) 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.

355.13 RESPONSIBILITY FOR ARRESTEE
An officer's responsibility for an arrestee ends when the arrestee is booked.

355.14 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.
(a) 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.

(a) Both the AR and Notice of Additional Charges shall be given to the FCJ intake officer.
(b) Officers delivering the AR to the FCJ shall request that it be forwarded to the mug room for processing in felony cases.

355.15 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.

355.16 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:

(a) They are non-combative;
(b) They are ambulatory;
(c) They have no known, existing medical conditions requiring immediate medical attention;
(d) No controlled substance influence symptoms are present;
(e) No known, violent mental disorders are present; and
(f) 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.

(a) 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.
(b) Similar information will be included in any case prepared in association with the detention.

355.17 DETENTION RELEASES PC 849 (B)
Officers may release from custody any person arrested without a warrant when:

(a) They are satisfied that there are insufficient grounds for making a criminal complaint against the person arrested;
(b) The person arrested was arrested for intoxication only, and no further proceedings are desirable;
(c) The person was arrested only for being under the influence of a controlled substance or drug and the person is delivered to a facility or hospital for treatment and no further proceedings are desirable;
(d) 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) A charge and the report number shall be included on the Certificate of Release Form.
(b) 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.
356.1 POLICY
Members authorized and responsible will facilitate public access to information allowed by legislation on serious and high-risk sex offenders commonly referred to as "Megan’s Law”.

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

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

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

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

356.2.1 LIMITATIONS ON EXTENDED RELEASE
Individuals and entities receiving information regarding registered sex offenders may only be authorized to disclose such information to additional persons if the Department determines the appropriate scope and that such disclosure will enhance the public safety.

The Department may not authorize any disclosure of such information by its placement on a non-departmental Internet Web site (PC §290.45(c)(1)).

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

356.3.1 INFORMATION PROHIBITED FROM INTERNET RELEASE
The following information shall not be released over the Department Internet Web site (PC §290.46(a)):
(a) Any information identifying the victim; and/or
(b) The name and address of the offender’s employer.

356.3.2 INFORMATION PERMITTED FOR INTERNET RELEASE
For those offenders listed in PC §290.46(c)(2) and (d)(2), the following information may be included on the Department Internet Web site:
(a) The offender’s full name;
(b) The offender’s known aliases;
(c) The offender’s gender;
(d) The offender’s race;
(e) The offender’s physical description;
(f) The offender’s photograph;
(g) The offender’s date of birth;
(h) Crimes resulting in the registration of the offender under PC §290;
(i) The community of residence and ZIP Code in which the registrant resides or the county in which the person is registered as a transient; and
(j) Any other information which the Department deems relevant, such as:
   1) Description of the offender’s vehicle(s) or vehicle(s) the offender is known to drive (only if the offender is currently wanted for a criminal offense);
   2) Type of victim targeted by the offender;
   3) Relevant parole or probation conditions, such as prohibiting contact with children;
   4) Dates of crimes resulting in current classification;
   5) Dates of release from confinement; and
   6) The offender’s enrollment, employment, or vocational status with any university, college, community college, or other institution of higher learning.

For those offenders listed in PC §290.46(b)(2), the address at which the offender resides may also be included on the Department Internet Web site in addition to the above. Before releasing the address of any offender, the officer shall verify that the information is correct.

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

356.3.4 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY
In addition to the authority provided elsewhere within this policy, any campus police department or local agency having jurisdiction over any university, college, community college or other institution of higher learning may release the following information within the campus community regarding other registered sex offenders:
   (a) The offender’s full name;
   (b) The offender’s known aliases;
   (c) The offender’s gender;
   (d) The offender’s race;
   (e) The offender’s physical description;
   (f) The offender’s photograph;
   (g) The offender’s date of birth;
   (h) Crimes resulting in the registration of the offender under PC §290; and Megan’s Law
   (i) The date of last registration.

The release of any information pursuant to this section shall be strictly limited to that which is intended to reach persons only within the campus community. For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in PC §290.01(d)(1).

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

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

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

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

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

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

357.4 CHILD CUSTODY / VISITATION EXCHANGES
357.4.1 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.
357.4.2 OFFICER RESPONSIBILITIES
When an officer is dispatched to perform a civil standby during a child custody/visitation exchange, the following guidelines will be followed:

(a) Officer response is limited to preserving the peace;
(b) 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;
(c) Each party shall be provided with a referral list of Supervised Child Visitation and Supervised Exchange Agencies; and
(d) 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.
   1) Document the statements of the child and parents in a General Incident report; and
   2) Refer the parent requesting enforcement to return to family court to resolve the issue.

357.5 CHILD CUSTODY COMPLAINTS
357.5.1 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.

357.5.2 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.

357.5.3 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.

357.6 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 their arrival. When the debtor is still in possession, they may voluntarily relinquish possession, but they are 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 repossessor 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.

357.7 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 Axon Records 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.

357.7.1 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).

357.7.2 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. TRO's are valid until the date of hearing or as otherwise listed in the order.

TRO's 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:
(1) 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;
(2) 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 (Penal Code §836(c)(1) allows a misdemeanor arrest for violation of a DV RO not committed in the officer's presence)
(c) Proof of service upon the restrained party or other proof of knowledge (e.g., their 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.

357.7.3 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.

357.7.4 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.

357.8 ENFORCEMENT OF RESTRAINING ORDERS AND 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:

(a) Inform the restrained party of the terms of the order;
(b) Admonish the restrained party that they are now on notice and that violation of the order will result in arrest;
(c) 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
(d) 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.

357.8.1 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.

357.9 ORDERS ISSUED OUTSIDE 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.

357.10 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, they are authorized to arrest the violator(s) under PC §419.

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

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

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

(a) Homicide(s) or suspicious death(s);
(b) Fatal traffic collision(s);
(c) Officer involved shooting, while on or off duty (See Policy §310 for special notifications);
(d) Any member seriously injured or killed, while on or off duty;
(e) Death or serious injury of a City of Fresno official;
(f) Arrest of any Department member or City of Fresno official;
(g) Aircraft crash with major damage and/or injury or death;
(h) Any "in-custody" death(s);
(i) Major mutual aid request;
(j) A riot, major disturbance, or public catastrophe occurring in the City of Fresno;
(k) Bomb or credible bomb threat; and
(l) Any situation or incident where the media show a strong interest.

358.3 NOTIFICATION RESPONSIBILITY
The Assistant District Commander designated as PIO, Field Commander, or their designee is responsible for:

(a) Making the appropriate notifications (or arranging for them to be made);
(b) Making reasonable attempts to obtain as much information on the incident as possible before notification; and
(c) Making the notifications as soon as practical.

358.4 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).

358.5 BLUE ALERT SYSTEM NOTIFICATION
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) 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;
(b) A law enforcement agency investigating the offense has determined that the suspect poses an imminent threat to the public or other law enforcement personnel;
(c) A detailed description of the suspect’s vehicle or license plate is available for broadcast; and
(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

358.5.1 FIRST LEVEL RESPONSE PROCEDURES (FIELD SUPERVISOR)
(a) Confirm that each of the four criteria are met;
(b) Notify the Field Commander; and
(c) Confirm that ComCen has provided broadcast information to FSO, Clovis PD, local CHP (and others as indicated); and

358.5.2 FIELD COMMANDER
(a) Obtain information, complete Blue Alert Info Sheet (see attached form);
(b) Send the information via email to the following recipients: ____________________________ and ____________________________
(c) Confirm receipt of email with ____________________________

358.5.3 SECOND LEVEL RESPONSE PROCEDURES (FIELD SUPERVISOR OR COMMANDER)
(a) 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.)
(b) Notify FPD have them:
   1) Initiate call-outs of:
      I. PIO;
      II. Homicide Unit, as needed; and
      III. Other resources, as needed.
   2) Make notifications to:
      I. Patrol District & Division Commanders;
      II. Criminal Investigations Bureau Commander; and
      III. Chief of Police.

358.6 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. They will then contact the appropriate accident investigator.

The following is a list of collision types which require notification:
(a) Fatal collisions where the investigating member and scene supervisor believe a prima facie case exists to support a charge of murder, or vehicular manslaughter;
(b) Collisions likely to result in a fatality, where criminal charges may result;
(c) Fatal collisions where the cause cannot be determined by on scene personnel;
(d) Collisions with a fatality in which there is a reasonable belief that the collision did not cause the fatality;
(e) Collisions that result in the response of investigators of the National Transportation Safety Board (NTSB);
(f) Collisions that cause the spillage of a significant amount of hazardous material(s);
(g) Fatal or severe injury collisions where it is likely the City is exposed to civil liability
(h) Any other collisions where technical assistance is required and the response is approved by a Commander.

358.7 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.
358.8 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:
(a) Location of the Command Post;
(b) Radio channel(s) being used;
(c) Brief synopsis of the incident; and
(d) 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.

358.9 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.

358.10 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 their designee in emergency situations. Acceptable uses for emergency notification include, but are not limited to:
(a) Missing Persons (Children, Elderly, Disabled, or at risk)
(b) Escaped Fugitives
(c) Hazmat
(d) Evacuation Notifications
(e) Evacuation Routes
(f) Evacuation Shelters
(g) Bomb Threats
(h) Traffic Emergencies
(i) Suspect Pursuits
(j) Hostage Situations

The Duty Office is responsible for launching the notification using the . These emergency notifications . 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 Policy §334.

358.11 E.O.D. NOTIFICATION
The EOD Commander, through the ComCen, will be notified of all EOD requests and will direct the EOD response.

358.12 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. They will then contact the appropriate detective(s).

358.13 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:
   (a) Plane crash;
   (b) Drowning;
   (c) Fatal accident of any type;
   (d) Accident involving major traffic congestion or a danger to the public (e.g., hazardous chemical spills, etc);
   (e) Major crime including, but not limited to: homicides, shootings (including officer involved), kidnapping, and bank robbery;
   (f) Riots, serious disturbances, and hostage situations (when contained);
   (g) Large drug seizures;
   (h) Large stolen property recoveries; or
   (i) 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.
360.1 POLICY
Members will ensure that all sick or injured persons encountered are given emergency medical care required and all deaths are thoroughly investigated.

360.1.1 PURPOSE AND SCOPE
The investigation of cases involving death includes those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough. One of an officer’s primary responsibilities is to ensure the health and welfare of community members that need public safety services. Members shall also ensure adequate resources such as EMS and Fire respond as needed.

360.2 SICK AND INJURED PERSONS
360.2.1 FIRST AID REQUESTING ADDITIONAL RESOURCES
When members encounter sick or injured persons, they shall render appropriate first aid, consistent with their training, to whatever extent is necessary. Members shall also request EMS/Fire resources as needed to appropriately handle the event.

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

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

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

Members dispatched to an in-progress or just occurred ingestion of aid-in-dying medication call shall notify their supervisor and complete a casualty report containing pertinent information.

360.4 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.
360.4.1 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:
(a) Forced entry has been made to render emergency assistance;
(b) Forced entry is anticipated; and
(c) The scene is secure.

360.5 REQUESTING AMBULANCE / PARAMEDIC
When the need for medical aid has been identified, members shall immediately inform the Communications Center (ComCen) regarding:
(a) Number of victims;
(b) Nature or injury or illness;
(c) Age of victim(s);
(d) Whether victim is conscious and/or breathing;
(e) Any special instructions or needs; and
(f) If the scene in not safe to enter, a request to have EMS/Fire personnel to stand-by will be made.

360.6 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.

360.7 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.).

360.8 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.

360.9 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:
(a) Homicide investigations – Notification made by Homicide Unit Detective;
(b) In-custody death investigation – Notification made by an FPD Chaplain; and
(c) 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.).

360.9.1 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:
(a) 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
(b) Identify the decedent’s next of kin (Spouse, parents, siblings, or relative) and make notification to only ONE of them.
1) 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.
360.9.2 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:
   (a) Name and date of birth of the decedent;
   (b) Related FPD case number;
   (c) Date and Time of the notification;
   (d) Name, address, and telephone number of the person notified; and
   (e) Name of the person making the notification.

360.10 DOCUMENTATION
The following reports will be completed for an injury, illness, or death:
   (a) A Crime Report will be completed if injury is from a criminal activity;
   (b) 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;
   (c) 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
   (d) 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) A doctor is in attendance;
   (b) Victim is under hospice care;
   (c) The death occurs within a nursing home; or
   (d) 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.

360.11 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:
   (a) Be 18 years of age or older;
   (b) Be a resident of California;
   (c) Have had the physical and mental ability to self-administer the medication;
   (d) Have suffered from a terminal disease;
   (e) Have submitted a written request witnessed by two individuals and two oral requests to their physician at least 15 days apart; and
   (f) Within 48 hours prior to taking the drug, have signed a “final attestation” before ingesting the drug.

360.11.1 IMPORTANT CONSIDERATIONS
   (a) 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;
   (b) No documentation is required by law to be present;
   (c) 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;
   (d) 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
(e) 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.

360.12 HOMICIDES, UNATTENDED AND SUSPICIOUS DEATHS
360.12.1 INITIAL CALL
Record the exact time the ComCen received the call and the type of call broadcasted.

360.12.2 ARRIVAL AT SCENE
(a) Record exact time of arrival.
(b) If EMS is not present, determine if possibility of life exists. Enter immediate crime scene to view
the victim (preferably one officer, use one path).
(c) If any possibility of life exists, apply appropriate rescue and first aid techniques and summon
EMS to scene.
(d) Record any alterations to crime scene that were necessary -- turned lights on/off, body moved --
if entry into the crime scene is necessary to ascertain victim’s condition.
(e) Protect the crime scene.
(f) If victim is removed from scene by EMS, ensure that one officer responds to the hospital. If
death is imminent, attempt to elicit a dying declaration.
(g) 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 Bureau (CSB).
(h) Attempt to record names, addresses, DOB’s, and telephone numbers of all persons at crime
scene. Remove them from immediate area and maintain control of the crime scene.
(i) If EMS is present, record names, work addresses and phone numbers.
(j) Determine if EMS personnel 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; and responsible party.
(k) Initiate and maintain crime scene log, recording names, badge numbers of personnel at scene;
time arrived and departed. Include information in supplemental report under "Crime Scene
Log."
(l) If RP is present, obtain valid identification, record identity and knowledge of crime.
(m) If suspect has just fled the crime scene prior to officer’s arrival, initiate crime broadcast if
information is available.
(n) Supplemental broadcast as necessary.

360.12.3 EXPANSION OF CRIME SCENE CONTROL
(a) The assigned officer on the call shall ensure that no unauthorized persons enter the crime
scene (includes other officers and news media).
(b) Determine scope of general crime scene, such as outside terrain, garages, yards.
(c) Establish a perimeter; secure and protect the crime scene.
(d) Request additional units, if necessary, and assign to security positions.
(e) Request ropes, barricades, or other equipment necessary to protect scene and control
spectators.
(f) Make no statements to the news media; refer media to detectives/P.I.O.
(g) Do not direct comments regarding incident to spectators, witnesses, etc.
(h) Do not touch areas or surfaces where possibility of evidence exists. (If available, wear gloves.)
(i) Do not smoke inside crime scene areas.
(j) Do not flush toilets or run water in sinks/tub.
(k) Record any alterations made at crime scene, such as unlocking doors, opening windows,
turning lights on, etc., during your investigation.
(l) Depart from immediate crime scene using one route (preferably same as entry).
(m) 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.

360.12.4 ASSISTANCE TO DETECTIVES
(a) Stand by for Detectives.
(b) Continue to protect crime scene until relieved by Detectives.
(c) Assist Detectives as directed.
(d) If so requested, submit a supplemental report containing all information obtained by officers during preliminary investigation.

360.12.5 NOTIFICATIONS
(a) Make notifications by telephone, if possible. (Do not use phones located inside the crime scene.)
(b) Record time of notification and person notified.
(c) Contact a supervisor and apprise them 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.
(d) Contact Detectives and be guided by their advice. (When Detectives are not on-duty, request the Duty Office contact the on-call detective unit.)

360.12.6 SUICIDE AND ACCIDENT
(a) If death appears to be suicidal or accidental, handle as homicide. Proceed with homicide checklist, summarized below.
(b) Secure immediate scene.
(c) Preserve evidence such as pills, weapons, and vials, noting their original location(s).

360.12.7 NATURAL DEATHS
(a) If possible, request responsible relative/party to remain with you.
(b) 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 their names.

**NOTE:** Persons allowed to enter crime scene shall be accompanied by an officer and cautioned regarding contamination or alteration of evidence.

360.12.8 SUSPECT IN CUSTODY
(a) 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.
(b) Do not attempt to unload weapons or change the position of evidence. Maintain control.
(c) Handcuff the suspect as appropriate.
(d) 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.
(e) Note and preserve evidence found on the suspect (blood, debris) and advise detectives.
(f) Do not permit the suspect to wash their hands or the use toilet, to avoid contamination of evidence on their person.
(g) Do not permit any communication between the suspect and other parties.
(h) Do not initiate the interrogation phase with the suspect.
(i) Do not Mirandize, but carefully record all spontaneous statements.
(j) Observe and record the behavior of the suspect, such as sweating, nervousness, emotions, erratic actions, or lack of usual behavior.
(k) Transport the suspect to Headquarters if directed by detectives or if the situation warrants.
360.12.9 PRELIMINARY INVESTIGATION

(a) Witnesses: Isolate, separate. Do not permit them contact with any suspect. Obtain valid identification, complete an F.I. Card.

(b) Examine the entire crime scene area. (Preferably one officer) conduct a visual examination only. Use one route. **CAUTION:** Do not step on evidence.

(c) Determine history of illness and if a doctor has been in attendance.

(d) Request a supervisor.
361.1 POLICY
It is the policy of the Fresno Police Department for designated sworn and non-sworn members to be trained in the safe use and administration of opioid overdose medication in order to safely and effectively treat and reduce injuries and fatalities due to opioid-induced overdose.

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

361.2 DEFINITIONS

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

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

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

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

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

361.3 NALOXONE 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.

361.4 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 California Code of Regulations §100019):

(a) When trained and tested to demonstrate competence following initial instruction; and
(b) When authorized by the medical director of the LEMSA.

Upon arriving at a scene of a medical emergency where it has been determined that an opioid overdose has likely occurred, the member shall:

(a) Secure the scene;
(b) Request EMS/Fire resources;
(c) Utilize universal precautions to protect against blood borne pathogens and other communicable diseases;
(d) Assess the patient to determine unresponsiveness and other indicators of an opioid-induced overdose;
(e) Provide first aid, rescue breathing, or CPR, if needed;
(f) Prepare and administer the naloxone hydrochloride in accordance with training;
(g) 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.
(h) 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.
(i) Unless the patient is conscious and able to refuse, they shall be transported to a medical facility once the Naloxone nasal spray has been administered.
(j) 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.

361.5 REPORTING REQUIREMENTS
The administration of the Naloxone nasal spray shall be documented in Axon Records. 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.

361.6 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.

361.7 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 CC §1714.22.
362.1 POLICY
All incidents of identity theft will be investigated and thoroughly documented when reported to this Department, regardless of the jurisdiction where the crime is being committed. Members will cooperate with other law enforcement agencies in the investigation of identity theft crimes.

362.1.1 PURPOSE AND SCOPE
Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

362.2 REPORTING
(a) In an effort to maintain uniformity in reporting, officers investigating the crime of identity theft (Penal Code §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.
(b) 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).
(c) 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.
(d) 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.
(e) Members shall provide victims with a Fresno Police Department Identity Theft Information Brochure and discuss identity theft prevention methods with them.
(f) 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.
364.1 POLICY
The Department will assist with all private person arrests that are made lawfully pursuant to Penal Code §837.

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

364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS
PC § 836(b) Any time a peace officer is called out on a domestic violence call, it shall be mandatory that the officer make a good faith effort to inform the victim of his or her right to make a citizen’s arrest, unless the peace officer makes an arrest for a violation of paragraph (1) of subdivision (e) of Section 243 or 273.5. This information shall include advising the victim how to safely execute the arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person’s arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
(b) Private individuals should be discouraged from using force to effect a private person’s arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

364.3 ARRESTS BY PRIVATE PERSONS
PC §837 provides that a private person may arrest another:
(a) For a public offense committed or attempted in their presence;
(b) When the person arrested has committed a felony, although not in their presence and when a felony has been in fact committed, and they have reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed the felony must in fact have taken place.

364.4 REPORTING REQUIREMENTS
In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Department Private Person’s Arrest form under penalty of perjury. In addition to the Private Person’s Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

364.5 OFFICER RESPONSIBILITIES
Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (PC §847).

364.6 PRIVATE PERSON ARREST (UNLAWFUL)
Should any officer determine that there is no reasonable cause to believe that a private person’s arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
(a) Any officer who determines that a private person’s arrest appears to be unlawful should promptly release the arrested individual pursuant to PC §849(b). The officer must include the basis of such a determination in a related report.

(b) Absent reasonable cause to support a private person’s arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

364.6.1 DOCUMENTATION OF PRIVATE PERSON ARREST (UNLAWFUL)

(a) A report detailing the basis of determination to release; and

(b) A completed PC §849(b) form, signed by the officer authorizing the release.

364.7 PRIVATE PERSON ARREST (LAWFUL)

When an officer determines that there is reasonable cause to believe that a private person’s arrest is lawful, the officer may exercise any of the following options:

(a) Take the individual into physical custody for booking; or

(a) Release the individual pursuant to a notice to appear; or

(b) Release the individual pursuant to PC §849(b); or

(c) 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.

1) When the victim later desires prosecution, they 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.

364.7.1 DOCUMENTATION OF PRIVATE PERSON ARREST (LAWFUL)

A report detailing the circumstances of the arrest and statements of involved parties/witnesses;

(a) Citation: Arresting Citizen/Party signs Notification to Appear and retains the pink copy; or

(b) Arrest Report: When the citizen’s arrest requires the suspect to be booked, an Arrest Report shall be completed in Axon Records.

1) The circumstances of the private person’s arrest shall be listed in the narrative portion of the ‘Arrest Details’ section.
368.1 POLICY
The Department will take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, Section 601, 42 United States Code 2000d). Department members will inform members of the public that language assistance services are available free of charge to limited English proficiency (LEP) persons whom they encounter.

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

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

Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Limited English Proficient (LEP) - Those individuals whose primary language is not English. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient. LEP individuals may be competent in certain types of communication (e.g. speaking or understanding), but still be LEP for other purposes (e.g. reading or writing). Similarly, LEP designations are context-specific. An individual may possess sufficient English skills to function in one setting, but these skills may be insufficient in other situations.

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

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

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

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

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

368.5 QUALIFYING INDIVIDUALS
While the Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

368.6 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.

368.6.1 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.

368.6.2 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:
(a) Local businesses;
(b) Banks; and
(c) Churches.

In addition, the Volunteer Unit will attempt to maintain and update a list of qualified community volunteers.

368.6.3 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.

368.6.4 INTERPRETER 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.
(a) 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.
(b) Officers should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source.
(c) 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).
1) The BCL is accessible by all members via the Intranet utilizing the ‘Employee Apps’ button within PDWEB or at http://bcl.police.fresno.
2) 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:

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

(b) **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 1-866-998-0338 and providing account number 24199. At the prompt, enter the 4-digit PIN: ComCen is 1947 or Patrol is 9773. Follow the instructions for entering your employee number and the number and the language needed.

### 368.7 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 them using an interpreter. The Policy and Procedures 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.

### 368.8 WRITTEN FORMS AND GUIDELINES

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

### 368.9 LEP CONTACT SITUATIONS AND REPORTING

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

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

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

368.10 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.

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

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

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

Members 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 them 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:
   (a) Medical needs;
   (b) Suicidal inclinations;
   (c) Presence of contagious diseases;
   (d) Potential illness;
   (e) Resulting symptoms upon withdrawal from certain medications.
   (f) 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.

368.13 FIELD ENFORCEMENT AND INVESTIGATIONS
Field enforcement will generally include such contacts as:
(a) Traffic stops;
(b) Pedestrian stops;
(c) Serving warrants and restraining orders; and
(d) Crowd/traffic control; and
(e) Other routine field contacts.

The scope and nature of these activities and contacts will inevitably vary. 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.

368.14 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 368.6(c) above).

368.15 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.

368.16 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.

368.17 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.

368.18 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.

368.19 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.

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

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

Any updates to this policy, related procedure, or the LEP program will be distributed to all members in the appropriate format.
370.1 POLICY
It is the policy of this Department to ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities. The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

Not every situation regarding the hearing impaired/disabled communications can be addressed within this policy. It is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an individual with a disability.

370.1.1 PURPOSE AND SCOPE
This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

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

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

Qualified Interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

TTY – A ‘Text Telephone’ device that allows deaf, hard of hearing or speech-impaired persons to use the telephone.

TDD – A ‘Telecommunication Device for the Deaf’ is an electronic device for text communication over a telephone line for the hearing impaired or persons with speech difficulties.

370.3 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.

370.4 FACTORS TO CONSIDER
Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this Department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. These factors may include, but are not limited to:

(a) Members should not assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not mean they completely understands the
message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision);
(c) The nature of the law enforcement contact (e.g., emergency vs. nonemergency, custodial vs. consensual contact, etc.); and
(d) Availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

When considering these and other available information member(s) should carefully balance all factors to reasonably ensure meaningful access by individuals with disabilities to critical services while not imposing undue burdens on the Department or its members.

370.4.1 INITIAL AND IMMEDIATE CONSIDERATIONS
Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected communication disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service. The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR §35.160).

Factors to consider when determining whether an alternative method is effective include:
(a) The methods of communication usually used by the individual;
(b) The nature, length and complexity of the communication involved; and
(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter. Even if the person who is deaf or hard of hearing would prefer the use of a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

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

370.5 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 identified source.

Department provided services may include, but are not limited to the following:
(a) 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:
1) Hand gestures or written communications exchanged between the member and a deaf or hard of hearing individual;
2) Facing an individual utilizing lip reading and speaking normally and clearly; and
3) Clearly but normally speaking or reading simple terms to any visually or mentally disabled individual.

(b) 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.

(c) 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).

(d) 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.

(e) 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:
1) Local businesses;
2) Banks;
3) Churches;
4) Neighborhood leaders; and
5) 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).

(f) 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)).

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

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

(a) Hand gestures or written communications exchanged between the member and a deaf or hard of hearing individual;
(b) Facing an individual utilizing lip reading and speaking slowly and clearly;
(c) Slowly and clearly speaking or reading simple terms to any visually or mentally disabled individual; and
(d) Utilization of certified interpreters and translators from the City of Fresno bilingual certification program.
370.5.2 AUDIO RECORDINGS AND ENLARGED PRINT
From time to time, the Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, members may elect to read aloud a Department form or document such as a citizen complaint form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

370.5.3 QUALIFIED INTERPRETER SERVICES
A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speech reading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:
(a) Available within a reasonable amount of time generally not to exceed one hour;
(b) Experienced in providing interpretation services related to law enforcement matters;
(c) Familiar with the use of VRS and/or video remote interpreting service;
(d) Certified in either American Sign Language (ASL) or Signed English (SE);
(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser; and
(f) Knowledgeable of the ethical issues involved when providing interpreter services.

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

370.5.4 TTY AND RELAY SERVICES
Individuals who are deaf or hearing impaired must be given the opportunity to use available text telephones (TTY or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications. The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR §35.162).

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

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, Department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

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

Adults may be relied upon when (28 CFR §35.160):
(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available; and
(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

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

When any member of 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). Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member shall document why another method was used. All written communications in a criminal case should be attached to the report or placed into evidence.

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

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

370.8 FIELD ENFORCEMENT AND INVESTIGATIONS
Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary, therefore the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved individuals with disabilities.

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

370.9 CUSTODIAL INTERROGATIONS
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 they understand 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.

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

(a) 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.

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

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

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

(b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a 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.

370.10.1 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.

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

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

(a) Member awareness of related policies, procedures, forms and available resources;

(b) How to work effectively with in-person and telephone interpreters and related equipment.
Management staff will receive training even if they may not interact regularly with individuals with disabilities. This is to ensure they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff.

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

307.13 CALL-TAKER TRAINING
Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers;
(b) ASL syntax and accepted abbreviations;
(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls; and
(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Dispatch members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.
372.1 POLICY
When any Department member makes an arrest, in accordance with Policy §372, of any school or community care facility employee they shall notify their immediate supervisor to facilitate forwarding the information to the Chief of Police or designee.

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

372.2 MANDATORY EMPLOYEE ARREST REPORTING
When a school or community care facility employee is arrested for any offense enumerated below the member must immediately notify their supervisor when the person is a:

(a) Public school teacher, public school non-teacher employee, or private school teacher arrested for any controlled substance offense enumerated in Health & Safety Code §11590 or HS §11364, in so far as that section relates to HS §11054(d)(12), or for any of the offenses enumerated in Penal Code §290, PC §261(a), or Education Code (EC) §44010

(b) 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

(c) Community care facility employee arrested for child abuse (as defined in PC §11165.6).

372.2.1 ARREST OF PUBLIC SCHOOL TEACHER
In the event a public school teacher is arrested for any controlled substance offense enumerated in HS §11590 or HS §11364, in so far as that section relates to HS §11054(d)(12), or for any of the offenses enumerated in PC §290, PC §261(a), or EC §44010, the Chief of Police or designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (HS §11591; PC §291).

372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE
In the event a public school non-teacher is arrested for any controlled substance offense enumerated in HS §11590 or HS §11364, in so far as that section relates to HS §11054(d)(12), or for any of the offenses enumerated in PC §290, PC §261(a), or EC §44010, the Chief of Police or designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (HS §11591; PC §291).

372.2.3 ARREST OF PRIVATE SCHOOL TEACHER
In the event a private school teacher is arrested for any controlled substance offense enumerated in HS §11590 or HS §11364, in so far as that section relates to HS §11054(d)(12), or for any of the offenses enumerated in PC §290, PC §261(a), or EC §44010, the Chief of Police or designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (HS §11591; PC §291.1).
372.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR
In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in HS §11590 or HS §11364, in so far as that section relates to HS §11054(d)(9), or for any of the offenses enumerated in PC §290 or in PC §261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor’s Office (HS §11591.5; PC §291.5).

372.2.5 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES
In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in PC §11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (HS §1522.2).

372.3 SUPERVISOR RESPONSIBILITY
372.3.1 PUBLIC SCHOOL TEACHER:
(a) Notify the Chief of Police or designee or designee so that they may immediately telephone the superintendent of the school district.
(b) A written notice shall immediately be given to the Commission on Teaching Credentialing and the superintendent.

372.3.2 PUBLIC SCHOOL NON-TEACHER EMPLOYEE:
(a) Notify the Chief of Police or designee or designee so that they may immediately telephone the superintendent of the school district.
(b) A written notice shall immediately be given to the governing board of the school district.

372.3.3 PRIVATE SCHOOL TEACHER:
(a) Notify the Chief of Police or designee or designee so that they may immediately telephone the private school authority employing the teacher.
(b) 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

372.3.4 COMMUNITY COLLEGE INSTRUCTOR:
(a) Notify the Chief of Police or designee or designee so that they may immediately telephone the superintendent of the community college district.
(b) A written notice shall immediately be given to the California College Chancellor’s Office

372.3.5 COMMUNITY CARE FACILITY EMPLOYEE:
(a) The investigating member shall notify the licensee of the charge of abuse.

372.4 DOCUMENTATION
(a) See Policy §344
373.1 POLICY
Blood and urine will only be collected as evidence in accordance with established procedures. Blood evidence will only be collected by licensed health care professionals.

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

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

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

A Department phlebotomist will be available for blood draws on arrests made between 1800-0400 hours, seven days a week. They will be logged on to the traffic channel or can be paged through ComCen.

(a) The on-duty phlebotomist will be stationed at the Traffic Bureau.
(b) The phlebotomist shall have all necessary supplies to complete blood draws and necessary paperwork for evidence.
(c) 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.

373.2.2 BLOOD DRAWS
Blood draws will be used unless the person is:
(a) Afflicted with hemophilia; or
(b) 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, they shall not be required to take a blood test. An alternate chemical test shall be provided.

373.2.3 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.

373.2.4 BLOOD CONTAINER LABELING
(a) 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.
(b) Place the sample in the CVT envelope, fill out the necessary information and immediately seal using the gummed flap and transparent tape.

(c) If a CVT label is not available, a label shall be produced including:
   1) Full name of suspect;
   2) Date and time blood drawn;
   3) Initials of person drawing blood; and
   4) Initials of witnessing officer.

(d) If a CVT envelope is not available, the container used shall include:
   1) Full name of suspect;
   2) Submitting agency and the name of the county where the arrest occurred;
   3) Geographical location where blood was drawn (e.g., Community Regional Medical Center (CRMC), DUI Trailer, etc.);
   4) Name and person drawing blood sample;
   5) Date and time blood drawn;
   6) Signature of witnessing officer;
   7) A form for establishing the chain of possession for all persons handling the evidence; and
   8) The violation(s) committed.

(e) When the witnessing officer is not the arresting officer and is not writing the original report, they shall write a Supplemental Report with the blood withdrawal and disposition information included.

(f) 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".

373.2.5 DOCUMENTATION
In addition to Policy §344, Officers shall include the following in their report:
   (a) The name and title of the person drawing blood;
   (b) Which arm the blood was drawn from;
   (c) If force was used to obtain the sample or if it was obtained after a refusal; and
   (d) A description and disposition of all evidence obtained.

373.2.6 BOOKING BLOOD EVIDENCE
   (a) Misdemeanor evidence may be booked at HQ or the Traffic Bureau
   (b) Felony evidence shall be booked only at HQ

373.2.7 BLOOD SAMPLES FOR COMPARATIVE PURPOSES
   (a) Blood collected for evidence comparison purposes shall be booked into the PECS refrigerator located at HQ.
   (b) A PER shall be completed and placed with the blood vial envelope in the refrigerator


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

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

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

373.3.2 URINE CONTAINER AND LABELING
One 2 oz. sample is required for analysis.
(a) Officer will use the designated collection vial available from CSB for samples collected at HQ.
(b) 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.
(c) The designated label (available at CSB) will be completed and attached to all urine samples
(d) The vials will be inserted into the "Urine Sample" envelope (available at CSB) after all the
blanks on the envelope have been completed
(e) The envelope will then be sealed and secured with transparent tape.

373.3.3 BOOKING URINE EVIDENCE
(a) Alcohol only: Blood-Urine Drop Box located in PECS
(b) Drug/drug & alcohol: PECS refrigerator

373.4 INJURED OR UNCONSCIOUS SUBJECTS
Any subject who is unconscious or deceased is considered incapable of withdrawing their consent for a
blood draw for evidence purposes. An officer may direct medical staff to obtain the blood draw.

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.
374.1 POLICY
This policy is to provide guidelines for the collection of DNA evidence from those individuals required to provide such samples under the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and the State of California DNA Data Bank Program (Penal Code §295, et seq.).

374.1.1 PURPOSE AND SCOPE
Only those qualifying individuals whose DNA sample is not currently on file with the Department of Justice may be required to provide samples. Verification of DNA samples on file may be determined by a DNA collection "flag" on the individual’s criminal history record or, during regular business hours, by calling the Department of Justice at (510)620-3300 and pressing "11" in the automated system [PC §298(b)(5)].

374.2 PERSONS SUBJECT TO DNA COLLECTION
While the courts may order DNA samples taken in a variety of circumstances under the Act, members of this Department are only authorized to obtain DNA samples from the following individuals absent other lawful means (e.g., consent or a search warrant).

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)].

374.2.1 ARRESTEES
Immediately following arrest, or during the booking process, or as soon as administratively practicable after arrest (but in any case prior to release on bail or other physical release from custody), any adult arrested or charged with a felony offense is required to provide DNA samples [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)].

The January 1, 2009, provisions governing DNA sample collection from all adults arrested for any felony offense are not retroactive and so do not permit sample collection for arrests that took place prior to 2009.

374.2.2 SEX AND ARSON REGISTRANTS
Any adult or juvenile who is required to register as a sex offender under PC §290 or arsonist under PC §457.1, including those whose registration resulted from a qualifying misdemeanor crime is required to submit a DNA sample. [PC §296(a)(3)].

At the time that any such registrant registers, updates registration, or is notified by the Department of Justice or other law enforcement officer, an appointment shall be made designating the time and place for the collection of DNA samples if no such sample has already been provided [PC §296.2(c)].

374.3 OBTAINING DNA SAMPLES
Upon a determination that any individual is qualified and required to provide DNA samples under the Act, the arresting officer or other employee designated by a supervisor shall transport the arrestee to the Fresno County Jail to complete the booking process where DNA samples will be obtained in accordance with this policy. 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 policy.
374.3.1 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.

374.3.2 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.)

374.3.3 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)).

374.4 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 they fail to provide a DNA sample and thumb and palm impressions pursuant to PC §296 that they 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 Policy §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.

374.4.1 USE OF FORCE TO OBTAIN SAMPLES
If a person refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by a court order and only with the approval of a supervisor. When a court order is obtained a sworn member of this Department may use reasonable force to obtain such sample(s) under the following conditions:

(a) Prior to the use of reasonable force, the officer(s) shall take and document reasonable steps to secure voluntary compliance [PC §298.1(c)(1)(C)].

(b) Prior to the use of reasonable force, the officer(s) shall obtain written authorization from a supervisor which shall minimally include that the individual was asked to provide the sample(s) and refused [PC §298.1(c)(1)(B)].

(c) If the authorized use of reasonable force includes a cell extraction, such extraction shall be videotaped [PC §298.1(c)(1)(D)].

The supervisor shall review and approve any plan to use force and be present to document the process.
For the purpose of this section, the "use of reasonable force" shall be defined as the force that an objective, trained and competent officer faced with similar facts and circumstances would consider necessary and reasonable to gain compliance. [PC §298.1(c)(1)(A)].

374.5 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)].
374.5.1 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)].

374.5.2 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.

374.6 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 their 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)].

374.7 LITIGATION
The Chief of Police or authorized designee shall immediately notify the Department of Justice DNA Legal Unit at (415) 703-5892 in the event this Department is named in a lawsuit involving the DNA Data Bank sample collection, sample use, or any aspect of the state’s DNA Data Bank Program.
375.1 POLICY
It is the policy of the Fresno Police Department to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

375.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders.

375.2 DEFINITION:
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 (PC §422.4)

375.3 GUN VIOLENCE RESTRAINING ORDERS
An officer who reasonably believes a person is a present danger to themselves or another person by controlling, owning, purchasing, possessing, receiving or otherwise having custody of a firearm may request permission from their 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 (PC §18107).

Based on circumstances, three types of GVRO may be issued by the courts:
(a) Emergency GVRO;
(b) Temporary GVRO; and
(c) 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 (PC §18205).

Any person who files a petition for a GVRO that contains statements the person knows are false, or with intent to harass the subject of the petition for a GVRO is guilty of a misdemeanor (PC §18200).

375.4 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:
(a) The subject of the petition poses an immediate and present danger of causing personal injury to themselves or another by having in their custody or control, owning, purchasing, possessing, or receiving a firearm; and
(b) 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 [PC §18125(a)].

375.4.1 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:
(a) The expiration date and time of the GVRO; and
(b) 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.

375.4.2 REQUIRED REPORTS FOR GVRO
When a GVRO is issued, the issuing officer shall:
(a) Prepare a GIR entitled “GVRO”;
(b) The person to be restrained shall be listed as an “Involved Party”; and
(c) The person(s) contacted during the investigation shall be listed as the “Reporting Party” or “Witness”, as applicable.

375.4.3 DISTRIBUTION OF GVRO FORMS
(a) The white copy shall be turned in to the Records Bureau by the end of the work shift;
(b) One copy shall be provided to the Court; and
(c) 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

375.4.4 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:
(a) The order has not expired;
(b) Whether proof of service or prior notice exists or can be established; and
(c) The terms of the restraining order.
375.4.5 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, they 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.

375.5 TEMPORARY GVRO
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. (PC §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.

375.6 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.

375.7 SERVICE OF GVRO
An officer serving any gun violence restraining order shall:
   (a) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (PC §18120);
   (b) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (PC §18250);
   (c) Inform the restrained person of any scheduled hearing regarding the order (PC §18160);
   (d) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (PC §18115); and
   (e) As soon as practicable, but by the end of their shift, submit proof of service to the Records Manager for prompt entry into the California Restraining and Protective Order System (PC §18115).

The officer should also inform the restrained person that they are required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition they own or that are in their 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 Policy §804 - Property and Evidence.

375.8 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 Policy §323 - Search Warrant/Pre-Planned Tactical Operations. Additionally, (PC §1542.5):

(a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search;
(b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
   1) The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access; and
   2) There is no evidence that the owner unlawfully possesses the firearm or ammunition; and
(c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

375.9 RECORDS MANAGER RESPONSIBILITIES
The Records Manager is responsible for ensuring:

(a) 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 (PC §18115);
(b) Oral orders are entered into the California Restraining and Protective Order System (PC §18140); and
(c) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (PC §18120).

375.10 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:
(a) Record the individual’s name, address and telephone number;
(b) Record the serial number of the firearm;
(c) Prepare an incident report and property report;
(d) Provide a property receipt to the individual who surrendered the firearms and ammunition; and
(e) Package and submit the firearms and ammunition in accordance with Policy §804 - Property and Evidence.

375.11 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 PC §18120 and Policy §804 - Property and Evidence.