CHIEF’S PREFACE

The Richmond Police Department exists to serve the public by delivering professional police services that emphasize ownership, collaboration and partnerships. Community policing philosophy is the basis of our organizational values, and it guides our operational decisions. Patrol Richmond combines a balanced fusion of contemporary policing methodologies with modern technology applications and strong community relationships in order to provide the best possible service to the public. We have and will continue to adopt, tailor and perfect the best practices in the field in order to maintain a balanced fusion of effective policing methodologies that support and enhance our crime reduction and crime prevention goals.

Every employee is required to affirm the Oath of Office; to abide by the Professional Code of Ethics; and to accept responsibility for achievement of the RPD Mission and be committed to its concepts.

All employees should have an enjoyable, safe and productive workplace. In order to provide such an environment every employee is expected to meet, maintain and to model the following standards:

(a) Come to work on time
(b) Be available for work when needed and on a regular and predictable basis
(c) Comply in letter and spirit with lawful RPD policies and directives
(d) Be mentally and physically prepared for work
(e) Learn your job
(f) Adjust to change
(g) Use productive work time in an efficient and effective manner
(h) Be loyal to the lawful interests and needs of the RPD
(i) Be nice, easy to get along with, and work with others in a harmonious relationship

This policy manual is published for the information and guidance of the members of the Richmond Police Department. Department members are responsible for knowing and adhering to its contents. Although our manual is considered to be a model policy, there is no policy manual that can cover every situation that an employee may encounter. Good judgment, integrity and training must also be exercised and measured for the specific circumstance.

This policy manual is effective immediately.

Bisa French - Interim Chief of Police
LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.
MISSION STATEMENT
The mission of the Richmond Police Department is to prevent crime and to maintain order by providing Constitutional and professional police services that incorporate strategies grounded in community engagement and collaborative partnerships that address causes of crime and disorder, that help solve neighborhood problems, and that improve quality of life in Richmond.

In compliance with professional standards established by the Oath of Office, Professional Code of Ethics and administrative directives; perform in a manner that promotes public trust, confidence and sense of safety and security.
Table of Contents

Chief’s Preface ..................................................... 1

Law Enforcement Code of Ethics ................................. 2

Mission Statement .................................................. 3

Chapter 1 - Law Enforcement Role and Authority ............... 9
   100 - Law Enforcement Authority ................................ 10
   101 - Employee Notice of Management Rights .................. 11
   102 - Chief Executive Officer .................................... 12
   103 - Oath of Office .............................................. 13
   104 - Policy Manual ................................................ 14

Chapter 2 - Organization and Administration ..................... 18
   200 - Organizational Structure and Responsibility ............ 19
   201 - Richmond Police Department Table of Organization ...... 24
   202 - Special Order ............................................... 25
   203 - Emergency Management Plan ............................... 26
   204 - Training Policy ............................................. 27
   205 - Electronic Mail .............................................. 29
   206 - Administrative Communications ........................... 31
   207 - Staffing Levels ............................................. 32
   208 - Concealed Weapon License .................................. 33
   209 - Retiree Concealed Firearms ................................ 41

Chapter 3 - General Operations .................................. 46
   300 - Use of Force ............................................... 47
   301 - Use of Force Review Boards ............................... 54
   303 - Handcuffing and Restraints ................................ 57
   304 - Control Devices and Techniques ........................... 61
   305 - Conducted Energy Device ................................... 67
   306 - Officer-Involved Shooting ................................. 75
   307 - Firearms and Qualification ................................. 83
   308 - Crime Gun Tracing ......................................... 93
   309 - Code 3 Response/Vehicle Pursuit Policy .................. 96
   310 - Response to Emergency Calls ............................... 109
   311 - Canine Program ............................................ 112
   312 - Domestic Violence .......................................... 122
   313 - Domestic Violence Lethality Assessment Program (LAP) ... 130
   314 - Search and Seizure .......................................... 136
   315 - Temporary Custody of Juveniles ......................... 138
   316 - Elder Abuse ................................................ 148
   317 - Discriminatory Harassment ................................. 152
   318 - Child Abuse ................................................ 157
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>319 - Missing Person Reporting</td>
<td>165</td>
</tr>
<tr>
<td>320 - Public Alerts</td>
<td>171</td>
</tr>
<tr>
<td>321 - Victim and Witness Assistance</td>
<td>176</td>
</tr>
<tr>
<td>322 - Rewards Program</td>
<td>179</td>
</tr>
<tr>
<td>323 - Hate Crimes</td>
<td>181</td>
</tr>
<tr>
<td>324 - Conduct</td>
<td>184</td>
</tr>
<tr>
<td>325 - Department Computer Use</td>
<td>193</td>
</tr>
<tr>
<td>326 - Report Preparation</td>
<td>196</td>
</tr>
<tr>
<td>327 - News Media Relations</td>
<td>200</td>
</tr>
<tr>
<td>328 - Court Appearance And Subpoenas</td>
<td>203</td>
</tr>
<tr>
<td>329 - Reserve Officers</td>
<td>207</td>
</tr>
<tr>
<td>330 - Mutual Aid and Outside Agency Assistance</td>
<td>214</td>
</tr>
<tr>
<td>331 - Language Access Services for Limited English Proficient (LEP) Persons</td>
<td>215</td>
</tr>
<tr>
<td>332 - Megan's Law</td>
<td>223</td>
</tr>
<tr>
<td>333 - Major Incident Notification</td>
<td>230</td>
</tr>
<tr>
<td>334 - Death Investigation</td>
<td>232</td>
</tr>
<tr>
<td>335 - Identity Theft</td>
<td>235</td>
</tr>
<tr>
<td>336 - Private Persons Arrest</td>
<td>236</td>
</tr>
<tr>
<td>337 - Evidence Technician Program</td>
<td>238</td>
</tr>
<tr>
<td>338 - Damage to City Property</td>
<td>240</td>
</tr>
<tr>
<td>339 - Arrest and Booking Procedures</td>
<td>241</td>
</tr>
<tr>
<td>340 - False Alarm Procedures</td>
<td>242</td>
</tr>
<tr>
<td>341 - Chaplains</td>
<td>243</td>
</tr>
<tr>
<td>342 - Closed Circuit Television/Public Camera System (CCTV)</td>
<td>247</td>
</tr>
<tr>
<td>343 - Child Safety Policy</td>
<td>251</td>
</tr>
<tr>
<td>344 - Wanted Persons Bulletin</td>
<td>254</td>
</tr>
<tr>
<td>345 - Volunteer Program</td>
<td>255</td>
</tr>
<tr>
<td>346 - Applicant Processing and Permit Procedures</td>
<td>260</td>
</tr>
<tr>
<td>347 - Peer Support Team Program</td>
<td>266</td>
</tr>
<tr>
<td>Chapter 4 - Patrol Operations</td>
<td>269</td>
</tr>
<tr>
<td>400 - Patrol Function</td>
<td>270</td>
</tr>
<tr>
<td>401 - Racial- or Bias-Based Profiling</td>
<td>272</td>
</tr>
<tr>
<td>402 - Briefing Training</td>
<td>275</td>
</tr>
<tr>
<td>403 - Crime And Disaster Scene Integrity</td>
<td>276</td>
</tr>
<tr>
<td>404 - Crisis Response Unit</td>
<td>278</td>
</tr>
<tr>
<td>405 - Ride-Along Policy</td>
<td>288</td>
</tr>
<tr>
<td>406 - Hazardous Material Response</td>
<td>291</td>
</tr>
<tr>
<td>407 - Hostages and Barricaded Suspects</td>
<td>293</td>
</tr>
<tr>
<td>408 - Response to Bomb Calls</td>
<td>295</td>
</tr>
<tr>
<td>409 - Mental Illness Commitments</td>
<td>300</td>
</tr>
<tr>
<td>410 - Cite and Release Policy</td>
<td>303</td>
</tr>
<tr>
<td>411 - Foreign Diplomatic and Consular Representatives</td>
<td>307</td>
</tr>
<tr>
<td>412 - Rapid Response And Deployment Policy</td>
<td>312</td>
</tr>
<tr>
<td>413 - Reporting Police Activity Outside of Jurisdiction</td>
<td>314</td>
</tr>
<tr>
<td>414 - Immigration Violations</td>
<td>315</td>
</tr>
<tr>
<td>415 - Patrol Rifles</td>
<td>321</td>
</tr>
</tbody>
</table>
416 - Patrol Shotgun .......................................................... 323
417 - Aircraft Accidents ...................................................... 326
418 - Probationary Review Board ......................................... 329
419 - P.T.O (Police Training Officer) Program ....................... 332
420 - Obtaining Air Support ................................................ 335
421 - Detentions And Photographing Detainees ....................... 340
422 - Field Identification Cards .......................................... 344
423 - Criminal Street Gangs ............................................... 346
424 - Watch Commanders .................................................. 350
425 - Assaults on Richmond Police Department Personnel ........ 353
426 - Mobile Data Center Use ............................................ 355
427 - Portable Audio/Video Recorders (AVR) ......................... 357
428 - Critical Incident Audio & Video Release Policy ............... 366
429 - Aggressive/Dangerous or Vicious Animals ..................... 369
430 - Automated License Plate Readers (ALPRs) ...................... 372
431 - Bicycle Patrol Unit ................................................... 374

Chapter 5 - Traffic Operations .......................................... 377
500 - Traffic Function and Responsibility ............................ 378
501 - Traffic Collision Reporting ........................................ 381
502 - Vehicle Towing and Release ....................................... 384
503 - Vehicle Impound Hearings ......................................... 390
504 - Impaired Driving and Evidence Collection ..................... 392
505 - Traffic Citations ...................................................... 397
506 - Disabled Vehicles ................................................... 400
507 - 72-Hour Parking Violations ....................................... 401

Chapter 6 - Investigation Operations .................................. 402
600 - Investigation and Prosecution ..................................... 403
601 - Sexual Assault Victims' DNA Rights ............................. 404
602 - Sexual Assault Investigations ..................................... 407
603 - Asset Forfeiture Policy ............................................. 412
604 - Confidential Informants ............................................ 415
605 - Investigations Division Personnel Notifications ............ 419
606 - Eyewitness Identification ......................................... 421
607 - Brady Material Disclosure ........................................ 425
608 - Unmanned Aerial System (UAS) Operations ................... 427

Chapter 7 - Equipment ..................................................... 430
700 - Department Owned and Personal Property ...................... 431
701 - Personal Communication Devices ................................. 433
702 - Vehicle Maintenance ................................................ 436
703 - Vehicle Use .......................................................... 438
704 - Mobile Command Center (MCC) ................................. 442

Chapter 8 - Support Services ............................................. 444
800 - Crime Analysis ....................................................... 445
<table>
<thead>
<tr>
<th>Chapter 8 - Security</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>801 - Building Security</td>
<td>448</td>
</tr>
<tr>
<td>802 - Communication Operations</td>
<td>451</td>
</tr>
<tr>
<td>803 - Property and Evidence</td>
<td>453</td>
</tr>
<tr>
<td>804 - Records Section Procedures</td>
<td>462</td>
</tr>
<tr>
<td>805 - Restoration of Firearm Serial Numbers</td>
<td>464</td>
</tr>
<tr>
<td>806 - Records Release and Security</td>
<td>466</td>
</tr>
<tr>
<td>807 - Criminal Offender Record Information (CORI)</td>
<td>470</td>
</tr>
<tr>
<td>808 - Computers and Digital Evidence</td>
<td>474</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter 9 - Custody</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>900 - Temporary Holding Facility</td>
<td>479</td>
</tr>
<tr>
<td>901 - Custody Searches</td>
<td>495</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter 10 - Personnel</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000 - Recruitment and Selection</td>
<td>500</td>
</tr>
<tr>
<td>1001 - Evaluation of Employees</td>
<td>506</td>
</tr>
<tr>
<td>1002 - Assignment and Transfer Process</td>
<td>509</td>
</tr>
<tr>
<td>1003 - Grievance Procedure</td>
<td>511</td>
</tr>
<tr>
<td>1004 - Nepotism and Conflicting Relationships</td>
<td>513</td>
</tr>
<tr>
<td>1005 - Reporting of Employee Convictions</td>
<td>516</td>
</tr>
<tr>
<td>1006 - Alcohol and Drug Use</td>
<td>518</td>
</tr>
<tr>
<td>1007 - Sick Leave Reporting</td>
<td>521</td>
</tr>
<tr>
<td>1008 - Communicable Diseases</td>
<td>535</td>
</tr>
<tr>
<td>1009 - Smoking and Tobacco Use</td>
<td>544</td>
</tr>
<tr>
<td>1010 - Personnel Complaints</td>
<td>545</td>
</tr>
<tr>
<td>1011 - Seat Belts</td>
<td>554</td>
</tr>
<tr>
<td>1012 - Body Armor</td>
<td>556</td>
</tr>
<tr>
<td>1013 - Peace Officer Personnel Files</td>
<td>558</td>
</tr>
<tr>
<td>1014 - Request for Change of Assignment</td>
<td>564</td>
</tr>
<tr>
<td>1015 - Employee Commendations</td>
<td>565</td>
</tr>
<tr>
<td>1016 - Fitness for Duty</td>
<td>575</td>
</tr>
<tr>
<td>1017 - Meal Periods and Breaks</td>
<td>578</td>
</tr>
<tr>
<td>1018 - Payroll Record Procedures</td>
<td>579</td>
</tr>
<tr>
<td>1019 - Overtime Policy</td>
<td>580</td>
</tr>
<tr>
<td>1020 - Overtime Payment Requests</td>
<td>581</td>
</tr>
<tr>
<td>1021 - Outside Employment</td>
<td>583</td>
</tr>
<tr>
<td>1022 - Educational Incentive</td>
<td>588</td>
</tr>
<tr>
<td>1023 - Personal Appearance Standards</td>
<td>590</td>
</tr>
<tr>
<td>1024 - Uniform Regulations</td>
<td>593</td>
</tr>
<tr>
<td>1025 - Police Cadets</td>
<td>610</td>
</tr>
<tr>
<td>1026 - Officer of the Year Award</td>
<td>612</td>
</tr>
<tr>
<td>1027 - Master Police Officer Program</td>
<td>613</td>
</tr>
<tr>
<td>1028 - VEHICLE THEFT AWARD PROGRAM</td>
<td>617</td>
</tr>
<tr>
<td>1029 - Modified Duty Assignments</td>
<td>619</td>
</tr>
<tr>
<td>1030 - Personnel Action Request Form</td>
<td>622</td>
</tr>
<tr>
<td>1031 - Employee Speech, Expression and Social Networking</td>
<td>625</td>
</tr>
</tbody>
</table>
Chapter 1 - Law Enforcement Role and Authority
Law Enforcement Authority

100.1 PURPOSE AND SCOPE
Law enforcement officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

100.2 PEACE OFFICER POWERS
Sworn members of this department shall be considered peace officers pursuant to Penal Code § 830.1. The authority of any such peace officer extends to any place in the State of California, as follows:

(a) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs the peace officer; or

(b) Where the peace officer has the prior consent of the chief of police, or person authorized by him or her to give consent, if the place is within a city or of the sheriff, or person authorized by him or her to give such consent, if the place is within a county; or

(c) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

100.3 CONSTITUTIONAL REQUIREMENTS
All employees shall observe and comply with every person's clearly established rights under the United States and California Constitutions.
Employee Notice of Management Rights

101.1 MANAGEMENT RIGHTS

(a) All rights, prerogatives and discretion of management that are not directly and specifically curtailed by contract or law are the rights of management. These rights include, but are not limited:

1. Control and supervise all operations;
2. Direct all working forces and maintain discipline among employees;
3. Determine and change from time to time the methods, processes, working procedures, equipment, operations, and places of business to be used;
4. Hire, promote, demote, assign and transfer employees;
5. Determine the size and composition of the workforce and the qualifications thereof, and the assignment of work and duties to employees in accordance with the organization's determination of the needs of the respective jobs;
6. Lay off, terminate, or otherwise relieve employees from duty for lack of work or other legitimate reasons;
7. Establish rules governing employment and working conditions;
8. Determine work hours, schedules and assignments of work and work tasks;
9. Require and enforce standards of performance;
10. Evaluate employee performance against standards of performance and to make employment decisions based on such standards of performance; and
11. Otherwise to take such measures as management may determine appropriate for the orderly, efficient, effective, safe and economical operations of the agency.
102.1 PURPOSE AND SCOPE
The California Commission on Peace Officer Standards and Training (POST) has mandated that all sworn officers and dispatchers employed within the State of California shall receive certification by POST within prescribed time periods.

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

103.1 PURPOSE AND SCOPE
Officers of this department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

103.1.1 OATH OF OFFICE
Upon employment, 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 (Cal. Const. Art. 20, § 3 and Government Code § 3102). The oath shall be as follows:

I do solemnly affirm that I will support and abide by the Constitution of the United States of America, the Constitution and laws of the State of California, the Ordinances of the City of Richmond, and the Rules and Regulations of the Richmond Police Department; and that I will faithfully discharge the duties of ________________, to which I have been appointed according to law and to the best of my abilities.

I understand that my failure to comply with the provisions of this oath may be cause for termination.

I have not paid, nor have I offered or promised to pay, any money or any other thing of value to any person, firm or corporation for the use of influence to procure my appointment to this position.
Policy Manual

104.1 PURPOSE AND SCOPE
The manual of the Richmond Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

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

- The preparation and maintenance of the policy manual is delegated to the Administration Division Commander.

104.2.1 DISCLAIMER
The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Richmond 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 Richmond Police Department reserves the right to revise any policy content, in whole or in part.

104.2.2 SENIOR COMMAND STAFF
Senior Command Staff shall consist of the following:

- Chief of Police
- Assistant Chief of Police
- Captains

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

104.2.3 OTHER PERSONNEL
All Department employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their Division Commander who will consider the recommendation and forward to senior staff.
104.3 AUTHORITY
The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Special Orders, which shall modify those provisions of the manual to which they pertain. Special Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

104.3.1 ACCEPTABLE ABBREVIATIONS
The following abbreviations are acceptable substitutions in the manual:

- Special Orders may be abbreviated as "SO"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

104.3.2 DISTRIBUTION OF MANUAL
Copies of the Policy Manual shall be distributed to the following:

- Chief of Police
- Assistant Chief of Police
- Police Captains
- Lieutenant
- Personnel and Training Unit
- Watch Commander
- Patrol Sergeants’ Offices
- Investigations Division
- Officer’s Report Room
- Temporary Holding Facility (15 CCR § 1029)

A computerized version of the Policy Manual will be made available on the Department intranet for access by all employees. The computerized version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization.

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

- **Adult** - Any person 18 years of age or older.
- **CCR** - California Code of Regulations (Example: 15 CCR 1151).
- **CHP** - The California Highway Patrol.
City - The City of Richmond.

Professional Staff - Employees and volunteers who are not sworn peace officers.

Department/RPD - The Richmond Police Department.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile - Any person under the age of 18 years.


May - Indicates a permissive, discretionary or conditional action.

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

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Professional Staff employees
- Volunteers.

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

The term “supervisor” may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.
When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member’s off-duty supervisor or an on-call supervisor.

**USC** - United States Code.

104.4.1 REVISIONS TO POLICIES
All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on the Department intranet home page under the title Recent Policy Manual Revisions. The Training Manager will forward revisions to the Policy Manual as needed to all personnel via electronic mail. Each employee shall review the revisions and seek clarification as needed.

Each unit manager/supervisor will ensure that employees under his/her command are aware of any Policy Manual revisions.
Chapter 2 - Organization and Administration
Organizational Structure and Responsibility

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

200.2 BUREAUS
The Chief of Police is responsible for administering and managing the Richmond Police Department. There are three bureaus in the Police Department:

- Operations Bureau
- Investigations Bureau
- Administration Bureau

200.2.1 OPERATIONS BUREAU
The Operations Bureau is commanded by the Assistant Chief of Police whose primary responsibility is to provide general management direction and control for the bureau. The Operations Bureau consists of the Patrol Division and the Traffic & Special Events Division. There is one Police Captain assigned to the Operations Bureau. Under the direction of the Assistant Chief of Police, the police captain's primary responsibility is to provide general management direction to personnel assigned to the three geographical Districts of the City of Richmond and personnel assigned to the Traffic and Special Events Division.

200.2.2 INVESTIGATIONS BUREAU
The Investigations Bureau is commanded by the Assistant Chief of Police whose primary responsibility is to provide general management direction and control for the bureau. The Investigations Bureau includes the Criminal Investigation Division and the Special Investigations Division. The units and sections of this division are Property Crimes, Homicide/Robbery, Domestic and Sexual Violence Unit, Narcotics, Gang/Parole Unit, and the Regulatory Unit. There is one Police Captain assigned to the Investigations Bureau. Under the direction of the Assistant Chief of Police, the police captain's primary responsibility is to provide general management direction to personnel assigned to the Bureau.

200.2.3 ADMINISTRATION BUREAU
The Administration Bureau is commanded by the Assistant Chief of Police whose primary responsibility is to provide general management direction and control for the bureau. The Administration Bureau includes the Personnel and Training Unit, Policy Development, Police Information Technology (IT), and the Communications Center. There is one Police Captain assigned to the Administration Bureau. Under the direction of the Assistant Chief of Police, the police captain's primary responsibility is to provide general management direction to personnel assigned to the Bureau.
200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND
The Chief of Police exercises command over all personnel in the Department. During extended absences, the Assistant Chief of Police will serve as the acting Chief of Police.

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

(a) Assistant Chief of Police
(b) Policing Bureau Captain
(c) Administration Bureau Captain
(d) Investigations Bureau Captain
(e) Watch Commander
(f) First Line Supervisor

200.3.2 UNITY OF COMMAND
The Chief of Police is the chief executive officer of the Richmond Police Department and has the final authority in all matters of policy, operations, and discipline. Responsibilities of the Chief of Police include the execution of laws and ordinances and providing for the efficient operation of the Department.

Example of Duties:

- Plans, organizes resources, directs, and coordinates the activities of the Police Department.
- Ensures the enforcement of laws and municipal ordinances.
- Formulates Departmental rules, policies, and procedures.
- Plans and organizes resources to implement Community Oriented Patrol and Problem Solving that positively impact quality of life issues.
- Approves or assigns Department personnel.
- Formulates the annual Departmental budget and has final authority over Department budget expenditures.
- Directs the preparation of internal Department reports, the Annual Report, and reports addressed to the City Manager.
- Directs the preparation of external reports to outside agencies in conformance with federal, state, and municipal laws or Department policy.
- Coordinates the activities of the Police Department with other agencies concerned with law enforcement and criminal justice.
- Attends local, regional, and national criminal justice conferences and meetings to enhance policing efforts.
Organizational Structure and Responsibility

- Appears before civic organizations and neighborhood groups to address or answer questions concerning law enforcement.
- Attends monthly Police Commission meetings.
- Promotes public cooperation and goodwill through membership in civic organizations, lectures to civic, fraternal and other groups and by interacting with the news media when appropriate.
- Maintains efficiency and effectiveness within the Department.
- Maintains effective Department discipline.
- Is responsible for processing requests for required regulatory licenses and permits.

200.3.3 ORDERS

The Assistant Chief of Police is the second highest ranking officer in the Department. Responsibilities of the Assistant Chief of Police includes command of the three Department Bureaus, assuming general responsibility of overall Department operations in the absence of the Chief of Police.

Examples of Duties:
- Administers and actively participates in the Department's community policing efforts.
- Administers a bureau and ensures the supervision/management of the personnel assigned to that bureau.
- Ensures the appropriate enforcement of laws and ordinances.
- Develops and review bureau programs, records, and reports.
- Ensures the preparation of the bureau budget and provides administrative guidance for the control of bureau expenditures.
- Confers with the Chief of Police and with other bureau commanders in planning and coordinating departmental operations, programs and projects.
- Facilitates future planning for the bureau.
- Collaborates with other criminal justice agencies and community partners to maximize success in problem solving.
- Serve as a member of committees dealing with policing and crime prevention programs.
- Represents the Department at meetings, conferences and other public functions.
- Ensures compliance with all departmental policies, directives, and guidelines.

200.3.4 CAPTAINS

Police Captains are part of the senior management team within the Department. Responsibilities of a Captain may include command, and management of a bureau subdivision, community policing geographical district, or other duties as assigned.
Example of Duties:

- Administers and actively participates in the Department's community policing and crime reduction efforts.
- Develops and administers major programs, projects or functions within the Department.
- Ensures the appropriate enforcement of laws and ordinances.
- Ensures compliance with all departmental policies, directives, and guidelines.
- Develops, mentors, coordinates the work of subordinate personnel assigned.
- Assists in the preparation and management of the bureau budget.
- Assumes command of the Department or bureau in the absence of the chiefs as directed.

200.3.5 LIEUTENANTS
Police Lieutenants are the middle management level of sworn personnel. Responsibilities of a Lieutenant include the command and management of programs or functions and the supervision of assigned subordinate personnel.

Example of Duties:

- Oversees/actively participates in the Department's community policing and crime reduction efforts.
- Plans, assigns, supervises, and evaluates the work of personnel in their assigned command.
- Ensures the appropriate enforcement of laws and ordinances.
- Ensures compliance with all departmental policies, directives, and guidelines.
- Enforces rules, regulations and policies of the Department.
- Interprets orders and directives to subordinate supervisors.
- Advises and assists subordinates in proper disposition of complex or difficult assignments or situations.
- Ensures the development and implementation of assigned programs or functions.

200.3.6 SERGEANTS
Police Sergeants are the direct link between management and non-supervisory personnel. Police Sergeants supervise and evaluate assigned personnel, and they are responsible for the efficient and effective accomplishment of functions and tasks assigned to them. They play a critical role in ensuring subordinate personnel actions reflect the mission, values and visions of the organization.

Example of Duties:

- Actively participate in the Department's community policing and crime reduction efforts.
Organizational Structure and Responsibility

- Appropriately supervises and participates in the enforcement of laws and ordinances.
- Supervises or participates in criminal investigations.
- Provides direct supervision in complex cases or situations.
- Supervises and develops assigned personnel.
- Resolves or submits to higher authority, conflicts, problems or disciplinary matters.
- Conveys ideas, suggestions, and feedback from subordinates that enhance Department operations, programs or functions.
- Represents management concerns and directives to non-supervisory personnel.
Richmond Police Department Table of Organization

201.1 PURPOSE AND SCOPE
The Richmond Police Department's organizational chart provides an overview of the interrelated parts of the agency that perform vital functions.

201.1.1 THE ORGANIZATIONAL CHART
The organizational chart is located before the index at the end of the policy manual.
Special Order

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

202.1.1 SPECIAL ORDER PROTOCOL
Special Orders will be incorporated into the manual as required upon approval of Senior Command Staff. Personnel and Training Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

Special Orders will be incorporated into the Policy Manual on a yearly basis by the Administrative Services Division.

Any Personnel and Training Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01". For example, 08-01 signifies the first Personnel and Training Order for the year 2008.

202.2 RESPONSIBILITIES

202.2.1 STAFF
The Senior Command Staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Special Order.

202.2.2 CHIEF OF POLICE
The Chief of Police or his/her designee shall issue all Special Orders.
Emergency Management Plan

203.1 PURPOSE AND SCOPE
The City has prepared an Emergency Management Plan for use by all employees in the event of a major disaster or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event that the plan is activated (Government Code § 8610).

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

203.2.1 RECALL OF PERSONNEL
In the event that the Emergency Management Plan is activated, all employees of the Richmond Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

203.3 LOCATION OF THE PLAN
The Emergency Management Plan is available in Administration and the Watch Commander’s office. All supervisors should familiarize themselves with the Emergency Management Plan. The Administration supervisor should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

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

204.1 PURPOSE AND SCOPE
It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

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

204.3 OBJECTIVES
The objectives of the Training Program are to:

(a) Enhance the level of law police service to the public;
(b) Increase the technical expertise and overall effectiveness of our personnel;
(c) Provide for continued professional development of department personnel.

204.4 TRAINING PLAN
A training plan will be developed and maintained by the Administrative Division. It is the responsibility of the Administrative Division to maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

- Legislative Changes;
- State Mandated Training;
- Critical Issues Training.

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

204.6 TRAINING PROCEDURES
(a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
Training Policy

1. Court appearances
2. First choice vacation
3. Sick leave
4. Physical limitations preventing the employee's participation.
5. Emergency situations

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

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

205.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the proper use of the Department's electronic mail (e-mail) system by employees of this department. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act).

Generally speaking, e-mail messages should involve official business activities or contain information relevant to employees for activities and/or communication related to the business, administration, or practices of the Department.

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

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

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

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

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 his/her designee. Personal advertisements are not acceptable.

E-mails related to training, police practices, or legal matters shall be approved by a Bureau Commander or the Chief of Police.

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 minimizes the misuse of an individual's e-mail, name and/or password by others.
**Electronic Mail**

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**205.4 MANAGEMENT OF E-MAIL**

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 and/or stored in another database. 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.

All employees are responsible for checking their e-mail daily when on-duty. Employees away from work for an extended time period are encouraged to check their e-mail, but will not be compensated for this activity.
Administrative Communications

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

206.2 PERSONNEL AND TRAINING ORDERS
Personnel and Training Orders may be issued periodically by the Office of the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, and training activities or other changes in employee status.

206.3 CORRESPONDENCE
In order to ensure that the letterhead and name of the department are not misused, all external correspondence shall be on department letterhead.

All department letterhead shall bear the signature and title of the correspondence author. Personnel shall use department letterhead only for official business and with approval of their supervisor.

206.4 SURVEYS
All surveys, questionnaires, statistical data, and other research documents representing the views of the Department shall be authorized by the Chief of Police or his/her designee.
Staffing Levels

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

207.2 MINIMUM STAFFING LEVELS
Minimum staffing levels should result in the scheduling of at least two regular supervisors on duty whenever possible. Watch Commanders will ensure that at least one field supervisor is deployed during each watch, in addition to the Watch Commander.

Geographically, the city of Richmond has been segmented into three Districts. Each District is comprised of three beats. At a minimum, at least one officer will be assigned to each beat on any given Watch.

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

With prior authorization from the Patrol Division Commander, a sergeant may act as the Watch Commander for a limited period of time.
Concealed Weapon License

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

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

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

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

(a) Be a resident of the City of Richmond (Penal Code § 26150; Penal Code § 26155).
(b) Be at least 21 years of age (Penal Code § 29610).
(c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.
(d) Be free from criminal convictions that would disqualify the applicant from carrying a firearm. Fingerprint will be required and a complete criminal background check will be conducted.
(e) Be of good moral character (Penal Code § 26150; Penal Code § 26155). The applicant shall provide at least three letters of character reference.
(f) Show good cause for the issuance of the license (Penal Code § 26150; Penal Code § 26155).
(g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
(h) Provide proof of ownership or registration of any firearm to be licensed.
(i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
(j) Complete required training (Penal Code § 26165).
Concealed Weapon License

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

208.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)
(a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).

1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.

2. If an incomplete application package is received, the Chief of Police or authorized designee may do any of the following:
   (a) Require the applicant to complete the package before any further processing.
   (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
   (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).

(b) At the time the completed application is submitted, the applicant shall submit a check made payable to the California Department of Justice for the required California DOJ application fee, along with a separate check made payable to the City of Richmond for a nonrefundable 20 percent of the application fee to cover the cost of processing the application (Penal Code § 26190).

   (a) Additional fees may be required for fingerprinting, training or psychological testing, in addition to the application fee.
   (b) Full payment of the remainder of the application fee will be required upon issuance of a license.
   (c) Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
Concealed Weapon License

(c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in department files. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for department use. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).

(d) The applicant shall submit at least three signed letters of character reference from individuals other than relatives.

(e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

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

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

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

(a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Chief of Police or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.

1. The determination of good cause should consider the totality of circumstances in each individual case.

2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.

3. The Department will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).

(b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed $150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might
Concealed Weapon License

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

(c) The applicant shall complete a course of training approved by the agency, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).

(d) The applicant shall submit any firearm to be considered for a license to the Armorer or other departmentally authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).

(e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department Armorer, or provide proof of successful completion of another departmentally approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

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

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

208.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

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

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

(a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the City of Richmond (Penal Code § 26150).
Concealed Weapon License

(b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).
(c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).
(d) Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

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

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

208.6.1 LICENSE RESTRICTIONS

(a) The Chief of Police may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:

1. Consuming any alcoholic beverage while armed.
2. Falsely representing him/herself as a peace officer.
3. Unjustified or unreasonable displaying of a firearm.
5. Being under the influence of any medication or drug while armed.
6. Interfering with any law enforcement officer's duties.
7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
8. Loading the permitted firearm with illegal ammunition.

(b) The Chief of Police reserves the right to inspect any license or licensed firearm at any time.

(c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

208.6.2 AMENDMENTS TO LICENSES

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

(a) Add or delete authority to carry a firearm listed on the license.

(b) Change restrictions or conditions previously placed on the license.

(c) Change the address or other personal information of the licensee (Penal Code § 26210).

In the event that any amendment to a valid license is approved by the Chief of Police, a new license will be issued reflecting the amendment. An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.
208.6.3 REVOCATION OF LICENSES
Any license issued pursuant to this policy may be immediately revoked by the Chief of Police for any of the following reasons:

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

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

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

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

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

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

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).
208.7 DEPARTMENT REPORTING AND RECORDS
Pursuant to Penal Code § 26225, the Chief of Police shall maintain a record of the following and immediately provide copies of each to the California DOJ:

(a) The denial of a license
(b) The denial of an amendment to a license
(c) The issuance of a license
(d) The amendment of a license
(e) The revocation of a license

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

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

Any information in an application or license which tends to indicate when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of his/her family shall not be considered public record (Government Code § 6254(u)(1)).
Retiree Concealed Firearms

209.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Richmond Police Department identification cards under the Law Enforcement Officers’ Safety Act (LEOSA) and California law (18 USC § 926C; Penal Code § 25455).

209.2 QUALIFIED RETIREES
Any full-time sworn officer of this department who was authorized to, and did, carry a concealed firearm during the course and scope of his/her employment shall be issued an identification card with a “CCW Approved” endorsement upon honorable retirement (Penal Code § 25455).

(a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement, however, shall not include any officer who retires in lieu of termination.

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

209.3 QUALIFIED RETIREES UNDER LEOSA
The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

209.3.1 LEOSA IDENTIFICATION CARD FORMAT
The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Richmond Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.
209.3.2  AUTHORIZATION
Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person’s former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

209.4  CALIFORNIA IDENTIFICATION CARD ISSUANCE
Any full-time sworn officer of this department who was authorized to, and did, carry a concealed firearm during the course and scope of his/her employment shall be issued an identification card with a Carrying Concealed Weapon endorsement, "CCW Approved," upon honorable retirement (Penal Code § 25455).

(a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any officer who retires in lieu of termination.

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

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

(a) A photograph of the retiree.

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

(c) The date of retirement.

(d) The name and address of this department.
Retiree Concealed Firearms

(e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped “No CCW Privilege.”

209.4.2 QUALIFIED RETIREEES FROM INCORPORATED JURISDICTION
The Richmond Police Department shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this department now serves under the following conditions (Penal Code § 25905):

(a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.

(b) This department is in possession of the retiree’s complete personnel record or can verify the retiree’s honorably retired status.

(c) The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

209.4.3 QUALIFIED RETIRED RESERVES
Qualified retired reserve officers who meet the department requirements shall be provided an identification card with a CCW Approved endorsement (Penal Code § 26300).

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

209.5.1 RESPONSIBILITIES UNDER LEOSA
In order to obtain or retain a LEOSA identification card, the former officer shall:

(a) Submit a written request to the Chief of Police/designee requesting a CCW endorsement and detailing his/her qualifications under LEOSA.

(b) Sign a waiver releasing the Department of all liability for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(c) Remain subject to all applicable department policies and federal, state and local laws.

(d) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(e) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

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

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

209.6 DENIAL, SUSPENSION OR REVOCATION OF A LEOSA IDENTIFICATION CARD
A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

209.7 DENIAL, SUSPENSION OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD
A CCW endorsement under Penal Code § 25470 for any officer retired from this department may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Chief of Police/designee when the conduct of a retired peace officer compromises public safety.

(a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.

(b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree’s last known address (Penal Code § 26315).
   1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
   2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
   3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

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

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

(d) If the Department becomes aware that the retiree has compromised public safety, the Department should promptly investigate the matter and, if warranted, contact the retiree in person to advise him/her of the temporary suspension of their CCW endorsement, as well as the hearing information listed below:

1. The personal and written notification should be as follows:

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

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

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

2. Notification of the temporary suspension should be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).

3. The investigation should contain the actions taken, facts and information justifying the actions taken, and if applicable, any notification made to the retiree.

209.8 ADMINISTRATION
The Administration Bureau shall be responsible for processing and maintaining all applications and records associated with CCW endorsements for retired and former officers.
Chapter 3 - General Operations
Use of Force

300.1 PURPOSE AND SCOPE
This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.1.1 DEFINITIONS
Definitions related to this policy include:

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**Force** - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, or detained.

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

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

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

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

300.3 USE OF FORCE
Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

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

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST
Any peace officer may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835a).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE
When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

(a) Immediacy and severity of the threat to officers or others.
(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
(d) The effects of drugs or alcohol.
(e) Subject’s mental state or capacity.
(f) Proximity of weapons or dangerous improvised devices.
(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
(h) The availability of other options and their possible effectiveness.
Use of Force

(i) Seriousness of the suspected offense or reason for contact with the individual.

(j) Training and experience of the officer.

(k) Potential for injury to officers, suspects and others.

(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.

(m) The risk and reasonably foreseeable consequences of escape.

(n) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(p) Prior contacts with the subject or awareness of any propensity for violence.

(q) Any other exigent circumstances.

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

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the officer.

(c) Whether the person has been given sufficient opportunity to comply.

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

300.3.4 CAROTID CONTROL HOLD
Richmond officers shall not use the carotid control hold.

300.3.5 TRAINING ASSOCIATED WITH CONTROL DEVICES

(a) Only personnel trained and having shown proficiency in the use of any control device are authorized to carry the device. Proficiency training must be conducted and documented by a Department approved instructor;

(b) Taser/ECD update training shall occur annually;

(c) Baton, O.C., and Kinetic Energy Projectile control devices update training shall occur every two years at a minimum;
(d) Personnel authorized to use and carry other control devices shall receive update training every two years or as needed;

(e) All control devices training and proficiency documentation will be retained in an employee's training file;

(f) Personnel failing to demonstrate proficiency with a device and who cannot demonstrate adequate knowledge of this policy will be provided remedial training. If, after two additional attempts, an employee still cannot demonstrate proficiency with a device or demonstrate adequate knowledge of this policy, an employee may be subject to discipline, up to and including termination.

300.3.6 BATON/ASP USAGE
The baton/ASP is authorized for use when, based upon the circumstances perceived by the officer, lesser force would not reasonably appear to result in the safe control of the suspect.

300.3.7 USE OF FORCE TO SEIZE EVIDENCE
In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Richmond Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS
Use of deadly force is justified in the following circumstances:

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

(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
Use of Force

2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

300.4.1 SHOOTING AT MOVING VEHICLES
Shots fired at a moving vehicle, whether approaching or fleeing, are rarely effective and are generally discouraged.

(a) Unless it reasonably appears that it would endanger officers or the public, officers are expected to move out of the path of any approaching vehicle.

(b) This is not intended to restrict an officer's right to use deadly force directed at the operator or passenger of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon, or firearms are being used, or have been used from the vehicle against the officer or others.

300.5 REPORTING THE USE OF FORCE
Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

300.5.1 NOTIFICATION TO SUPERVISORS
Supervisory notification shall be made as soon as practicable following the application of all uses of force including the following circumstances:

(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of a CED or control device.

(f) Any application of a restraint device other than handcuffs, shackles or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges any of the above has occurred.
300.6  MEDICAL CONSIDERATION
Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

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

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

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.7  SUPERVISOR RESPONSIBILITY
When a supervisor responds to an incident in which there has been a reported application of force, the supervisor is expected to:

(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) If suspicious circumstances are uncovered, or it is determined that the facts and circumstances are outside the norm, an Administrative Memorandum is required.

(d) When necessary for any criminal investigation, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her Miranda rights, the following shall apply:
1. The content of the interview should not be summarized or included in any related criminal charges.

2. The fact that a recorded interview was conducted should be documented in a property or other report.

3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(e) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(f) Identify any witnesses not already included in related reports.

(g) Review and approve all related reports.

(h) Determine if there is any indication that the subject may pursue civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(i) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

300.7.1 USE OF FORCE REVIEW
The Patrol Sergeant shall route all uses of force up through the appropriate chain of command, via BlueTeam software, for administrative review.

300.8 TRAINING
Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.
Use of Force Review Boards

301.1 PURPOSE AND SCOPE
This policy establishes a process for the Richmond Police Department to review the use of force by its employees.

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

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

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

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

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

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

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

301.4.1 COMPOSITION OF THE BOARD
The Use of Force Review Board shall be comprised of the following persons who will serve for the term of their assignment:

- Command representatives of each bureau;
- Commanding officer in the involved member’s chain of command;
Use of Force Review Boards

- Training Manager (this person shall function as the Board's coordinator and is responsible for all notifications, documentation and record keeping);
- Professional Standards manager;
- Chairperson of the Use of Force Board;
- Department instructor for the type of weapon, device or technique used.

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

301.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

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

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

The board shall make one of the following recommended findings:

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

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

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

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

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

303.2 POLICY
The Richmond Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

303.3 USE OF RESTRAINTS
Only members who have successfully completed Richmond Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

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

303.3.1 RESTRAINT OF DETAINEES
Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

303.3.2 RESTRAINT OF PREGNANT PERSONS
Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

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
303.3.3 RESTRAINT OF JUVENILES
A juvenile under 14 years of age should not be restrained unless he/she is suspected of a
dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist,
attempt escape, injure him/herself, injure the officer or damage property.

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

303.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS
Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's
hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute
requirement of the Department. Officers should consider handcuffing any person they reasonably
believe warrants that degree of restraint. However, officers should not conclude that in order to
avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When
feasible, handcuffs should be double-locked to prevent tightening, which may cause undue
discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may
cause unreasonable discomfort due to the person's size, officers should consider alternatives,
such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched
and is safely confined within a detention facility.

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

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

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

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

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

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

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

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

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

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

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

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

303.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS
When applying leg restraints the following guidelines should be followed:

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

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

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

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

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

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

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

(a) The amount of time the suspect was restrained.

(b) How the suspect was transported and the position of the suspect.

(c) Observations of the suspect’s behavior and any signs of physiological problems.

(d) Any known or suspected drug use or other medical problems.
Control Devices and Techniques

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

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

304.3  ISSUING, CARRYING AND USING CONTROL DEVICES
Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

All sworn personnel the rank of sergeant and below, whose primary duty assignment involves wearing a police uniform and frequent contact with the public are required to carry both an approved baton and OC spray when in service.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

304.4  RESPONSIBILITIES

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

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

Every control device will be periodically inspected by the Armorer or the designated instructor for a particular control device. The inspection shall be documented.
304.4.3 USER RESPONSIBILITIES
All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

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

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

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

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

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

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

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

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

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

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

304.7.3 TREATMENT FOR OC SPRAY EXPOSURE
Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

304.8 POST-APPLICATION NOTICE
Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner’s expense. Information regarding the method of notice and the individuals notified should be included in related reports.

304.8.1 USE OF KINETIC ENERGY PROJECTILES BY SUPERVISORS
A specially marked shotgun, designated for the use of 12 gauge projectiles, will normally be carried in each supervisor’s unit.

Supervisors will inspect the shotgun at the beginning of each shift to ensure that it is in proper working order and loaded with approved projectiles only.

304.8.2 USE OF KINETIC ENERGY PROJECTILES BY SPECIAL RESPONSE TEAM (SRT)
Personnel assigned to the Special Response Team (SRT), who have completed a departmental training course may carry and employ 12 gauge or 40 mm projectiles while on duty or performing SRT missions.

SRT personnel are required to complete mandated certification courses prior to deploying the Penn Arms PGL65 - 40 mm Launcher. The launcher delivers the following munitions:

(a) The Spede-Heat Short Range: Designed to deliver one chemical or smoke canister from a gun down range 75 - 150 yards to the intended target zone.
Control Devices and Techniques

(b) The Skat-Shell: Widely used as a crowd management tool for the rapid and broad deployment of chemical agent by a single grenadier. The Skat-Shell contains separate sub-munitions (5) that function individually once the round is discharged. The scattering effect and the rapid burning of the sub-munitions provide a wide area of coverage, minimizing the potential of being thrown back.

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

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

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

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

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

304.9.2 DEPLOYMENT CONSIDERATIONS
Before discharging projectiles, the officer should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject’s clothing.

(d) The subject’s proximity to others.

(e) The location of the subject.

(f) Whether the subject’s actions dictate the need for an immediate response and the use of control devices appears appropriate.
Control Devices and Techniques

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

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

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

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

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

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

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

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

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the officer’s training file.

(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency’s Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency’s Use of
Control Devices and Techniques

Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

304.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES
Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.
Conducted Energy Device

305.1 PURPOSE AND SCOPE
This policy provides guidelines for the issuance and use of Conducted Energy Devices (CED).

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

305.3 ISSUANCE AND CARRYING CEDS
Only members who have successfully completed department-approved training may be issued and carry the CED.

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

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

Members carrying the CED should perform a spark test on the unit prior to every shift. The Taser Axon Body 2 AVRs are linked to the Taser CED. When the Taser CED is taken out of 'Safe' mode, Taser AVRs that are within 30 feet of the Taser CED and turned on will be automatically activated. To minimize the number of accidental activations, officers shall adhere to the following: While at the main police building (1701 Regatta Bl), including the parking lot, officers shall turn their Taser AVRs off, unless they are on a call for service or booking a prisoner. Additionally, Taser CEDs shall only be 'spark-tested' in one of the locker rooms, or as a group with a supervisor present.

When carried while in uniform officers shall carry the CED in a support-side holster on the side opposite the duty weapon.

(a) All CEDs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
(b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the CED.
(c) Officers shall be responsible for ensuring that their issued CED is properly maintained and in good working order.
(d) Officers should not hold both a firearm and the CED at the same time.
305.4 VERBAL AND VISUAL WARNINGS
A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

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

(b) Provide other officers and individuals with a warning that the CED may be deployed.

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

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

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

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

(a) The subject is violent or is physically resisting.

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

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

305.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS
CEDs shall only be used against persons who are actively resisting or exhibiting active aggression, or to prevent individuals from harming themselves or others.

(a) An CED shall not be used against a passive suspect.

(b) No more than one officer shall activate an CED against a person at a time.
Conducted Energy Device

(c) When activating an CED, an officer shall use it for one standard cycle and stop to evaluate the situation (a standard cycle is five seconds). If a subsequent cycle is necessary, officers shall restrict the duration of that cycle to the minimum activation necessary to place the subject in custody.

(d) CED deployment against a subject is limited to three successful contacts and cycles. If after the third successful contact and standard cycle the subject does not submit to verbal commands and/or arrest, an officer must use other force options based on the "Reasonableness Test".

(e) Training protocols have emphasized that multiple activations and continuous cycling of an CED appear to increase the risk of death or serious injury and should be avoided whenever possible.

(f) A fleeing subject shall not be the sole justification for use of an CED. Severity of offense and other circumstances must be considered before officers use an CED on a fleeing subject.

(g) CEDs shall not be used against obviously pregnant women, elderly persons, children, and visibly frail persons unless exigent circumstances exist that present a high level of danger to the officer or others.

(h) CEDs shall not be used to facilitate the forced withdrawal of blood evidence from DUI violators.

(i) CEDs shall not be used on children who appear to be under the age of 12 years.

(j) CEDs shall not be used on handcuffed persons.

(k) Caution shall be used in utilizing an CED when a subject is in a location where a fall might cause substantial injury or death.

(l) CEDs shall not be used against a suspect in physical control of a vehicle in motion, or a vehicle that might be placed in motion, including automobiles, trucks, motorcycles, ATVs, bicycles, and scooters.

(m) CEDs shall not be used in the presence of known combustible vapors and liquids, or other flammable substances, including, but not limited to, alcohol-based Oleoresin Capsicum (O.C.) spray carriers.

(n) When a subject is armed with an CED and attacks or threatens to attack a police officer, the officer may defend him or herself to avoid becoming incapacitated and risking the possibility that the subject could gain control of their firearm. When possible, officers shall attempt to move outside the device's range (approximately 21 feet) and seek cover, as well as request backup officers to mitigate the danger.

(o) It shall be mandatory for all trained uniformed officers at the rank of Sergeant and below to carry an CED while on street duty.
305.5.3 TARGETING CONSIDERATIONS
Officers shall avoid firing probes at a subject's head, neck or genitalia. While manufacturers have generally recommended that reasonable efforts be made to target lower center mass and avoid intentionally targeting the head, neck, groin and chest, it is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the CED to a precise target area. As such, officers 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.

305.5.4 ACTIONS FOLLOWING DEPLOYMENTS
Officers shall notify a supervisor of all CED discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked “Biohazard” if the probes penetrated the subject's skin.

305.5.5 DANGEROUS ANIMALS
The CED 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. Officers shall document all deployments involving an aggressive animal in a police report and through a Use of Force report form. The officer’s supervisor shall author and route an administrative memorandum through the appropriate chain of command.

305.5.6 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department CEDs while off-duty.

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

305.6 DOCUMENTATION
Officers shall document all CED discharges in the related arrest/crime report and the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

305.6.1 CED FORM
Items that shall be included in the CED report form are:

(a) The type and brand of CED and cartridge and cartridge serial number.
(b) Date, time and location of the incident.
(c) Whether any display, laser or arc deterred a subject and gained compliance.
(d) The number of CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
Conducted Energy Device

(e) The range at which the CED was used.
(f) The type of mode used (probe or drive-stun).
(g) Location of any probe impact.
(h) Location of contact in drive-stun mode.
(i) Description of where missed probes went.
(j) Whether medical care was provided to the subject.
(k) Whether the subject sustained any injuries.
(l) Whether any officers sustained any injuries.

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

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

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

305.7 MEDICAL TREATMENT
Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CED probes from a person’s body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

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

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

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

305.8 SUPERVISOR RESPONSIBILITIES

A supervisor must respond to all incident scenes where a CED was activated. A supervisor will conduct an initial review of the CED activation and document such activation on the appropriate Use of Force Report. Every instance of CED use, including accidental discharges, will be accounted for in a Use of Force report.

(a) Every instance where the CED is drawn and displayed, even when an electronic cycle is not actually deployed, will be documented in a Use of Force report. Every use ("drive stun" or standard probe discharge) shall be documented in a supervisory administrative investigation. The investigation shall include:

1. Location and interview of witness (including other officers);
2. Photographs of subject and officer injuries;
3. Photographs of cartridges/probes;
4. Collection of CED cartridges, probes, confetti ID tags, (car video if applicable) by the Crime Scene Investigator and processed into evidence;
5. Copies of the device data download. Departmental personnel should be aware that CED download data may be unreliable. Investigators should be able to articulate the difference between the actual duration of CED activation on a person and the total time of discharge registered on the CED device.

(b) Supervisors will forward all cases to the Office of Professional Accountability for additional investigation when any of the following factors are involved:

1. A subject experiences death or serious injury (Officer Involved Protocols will be initiated);
2. A person experiences prolonged CED activation;
3. The CED appears to have been used in a punitive or abusive manner;
Conducted Energy Device

4. There appears to be a substantial deviation from training in how the CED was utilized;

5. The person in an at-risk category has been subjected to CED activation (e.g., young children, persons who are elderly/frail, obviously pregnant women, and any other activation as determined by a supervisor). All CED activations will be tracked by the Office of Professional Accountability. Information will be shared with the Department's Major Incident/Use of Force Committee.

(c) The Office of Professional Accountability will conduct regular audits of CED data downloads and reconcile use of force reports with recorded activations. The Office of Professional Accountability will maintain statistical information in order to identify CED trends and deployment concerns. The following statistical information will be included when collecting information about CED use:

1. Date, time, location of incident;
2. The use of the laser dot or display of the CED deterred the subject and gained compliance;
3. Descriptive information about the suspect (including membership in any at-risk population group);
4. All officers firing the CED and all officer witnesses;
5. All other witnesses;
6. The number of CED cycles, the duration of each cycle, the duration between cycles, and the duration that the subject was actually activated;
7. Level of aggression the officer utilizing the CED encountered from the subject;
8. Any weapons possessed by the subject;
9. The type of crime/incident the subject was involved in;
10. The type of clothing worn by the subject;
11. The distance range at which the CED was used;
12. The type of mode used (probe or drive stun);
13. The point of impact of the probes on the subject in probe mode;
14. The point of impact on the subject in drive stun mode;
15. Location of missed probe(s);
16. Terrain and weather conditions;
17. Lighting conditions;
18. The type of cartridge(s) used;
19. If the subject was believed to be under the influence of alcohol or drugs (specify if available);
20. Medical care provided to the subject; and
21. Any injuries incurred by officer(s) or subject.

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

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

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

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

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

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

The Training Sergeant should ensure that all training includes:

(a) A review of this policy.
(b) A review of the Use of Force Policy.
(c) Performing support-side draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.
(d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.
(e) Handcuffing a subject during the application of the CED and transitioning to other force options.
(f) De-escalation techniques.
(g) Restraint techniques that do not impair respiration following the application of the CED.
Officer-Involved Shooting

306.1 PURPOSE AND SCOPE
The intent of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of a police shooting and to ensure that such incidents be investigated in a fair and impartial manner.

306.2 INVESTIGATION RESPONSIBILITY
This department conforms to the Officer Involved Shooting/Fatal Incident Protocol for investigating officer-involved shootings.

306.3 TYPES OF INVESTIGATIONS
Officer-involved shootings involve several separate investigations. The investigations may include:

(a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or a Division Commander

(b) A criminal investigation of the involved officer(s) conducted by an outside agency

(c) A civil investigation to determine potential liability conducted by the involved officer's agency

(d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy

306.4 JURISDICTION
Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

306.4.1 RICHMOND POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION
The Richmond Police Department is responsible for the criminal investigation of the suspect's actions, the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by the District Attorney's Office.

306.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION
The Richmond Police Department is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by the District Attorney's Office. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).
306.4.3 RICHMOND POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Richmond Police Department will conduct timely civil and/or administrative investigations.

306.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

<table>
<thead>
<tr>
<th></th>
<th>Criminal Investigation of Suspect(s)</th>
<th>Criminal Investigation of Officer(s)</th>
<th>Civil Investigation</th>
<th>Administrative Investigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>RPD Officer in This Jurisdiction</td>
<td>RPD Investigators</td>
<td>District Attorney's Office</td>
<td>RPD Civil Liability Team</td>
<td>RPD Office of Professional Accountability</td>
</tr>
<tr>
<td>Allied Agency’s Officer in This Jurisdiction</td>
<td>RPD Investigators</td>
<td>District Attorney's Office</td>
<td>Involved Officer’s Department</td>
<td>Involved Officer’s Department</td>
</tr>
<tr>
<td>RPD Officer in Another Jurisdiction</td>
<td>Agency where incident occurred</td>
<td>Decision made by agency where incident occurred</td>
<td>RPD Civil Liability Team</td>
<td>RPD Office of Professional Accountability</td>
</tr>
</tbody>
</table>

306.5 THE INVESTIGATION PROCESS

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

306.5.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

(a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.

(b) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).

   1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.

(c) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.

   1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.

(d) Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.
Officer-Involved Shooting

(e) Provide all available information to the Watch Commander and Communications Center. If feasible, sensitive information should be communicated over secure networks.

(f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.

(g) As soon as practical, shooter officers should respond or be transported (separately, if feasible) to the station for further direction.

   1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.

   2. 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 or transported to the station by other officers.

306.5.2 WATCH COMMANDER DUTIES
Upon learning of an officer-involved shooting, the Watch Commander shall be responsible for coordinating all aspects of the incident until relieved by the Division Commander.

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

- Chief of Police
- Assistant Chief of Police
- Investigations Bureau Commander
- Operations Bureau Commander
- District Attorney OIS/Fatal Incident Team
- Professional Standards Unit Manager
- Chairperson of Use of Force Review Board
- Civil Liability Response Team
- Psychological/Peer support personnel
- Coroner (if necessary)
- Officer representative (if requested)

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

306.5.4 MEDIA RELATIONS
A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Watch Commander, Investigative Services Division Commander and Public Information Officer in the event of inquiries from the media.
It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media (Government Code § 3303(e)) and no involved officer shall make any comments to the press unless authorized by the Chief of Police or a Division Commander.

Law enforcement officials receiving inquiries regarding incidents occurring 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.

306.5.5 INVOLVED OFFICERS
Once the involved officer(s) have arrived at the station, the Watch Commander should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

(a) Any request for department or legal representation will be accommodated, however, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report (Government Code § 3303(i)).

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information however.

(d) A psychotherapist shall be provided by the Department to each involved officer, or any other officer, upon request.
   1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.
   2. An interview or session with a licensed psychotherapist may take place prior to the involved officer providing a formal interview or report, but the involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

(e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

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

Detectives shall make reasonable accommodations to the officer’s physical and emotional needs (Government Code § 3303(d)).
Each involved officer shall be given 3 consecutive days paid administrative leave following an officer-involved shooting. It shall be the responsibility of the Watch Commander to make schedule adjustments to accommodate such leave. If an officer needs additional days he/she shall be allowed that time off at the discretion of the Chief of Police.

306.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

306.6.1 DETECTIVE PERSONNEL
Once notified of an officer-involved shooting, it shall be the responsibility of the Investigations Division supervisor to assign appropriate detective personnel to handle the investigation of related crimes. Detectives will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related departmental reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

306.6.2 CRIMINAL INVESTIGATION
It shall be the policy of this department to utilize the District Attorney's Office to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, detective personnel from this department may be assigned to partner with investigators from the District Attorney's Office so as to not duplicate efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

(a) Supervisors and Office of Professional Accountability personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.

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

(c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.

(d) Absent consent from the involved officer or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.
306.6.3 REPORTS BY INVOLVED OFFICERS
In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code § 3304(a)).

While the involved officer may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by involved suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved officer of the right to consult with legal counsel prior to completing any such criminal report.

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

306.6.4 WITNESS IDENTIFICATION AND INTERVIEWS
Because potential witnesses to an officer-involved shooting or other major incident may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

(a) Identify all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
(c) Assign available personnel to promptly contact the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with officers.

306.7 ADMINISTRATIVE INVESTIGATION
In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the Office of Professional Accountability and will be considered a confidential peace officer personnel file.

(a) Any officer involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s) (Government Code § 3303(g))

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

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

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

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

4. The officer shall be informed of all constitutional Miranda rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The officer shall be informed, however, that the
interview will be for administrative purposes only and that the statement cannot be used criminally (The *Lybarger* or *Garrity* admonishment).

5. The administrative interview shall be considered part of the officer's confidential personnel file.

6. The Office of Professional Accountability shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

7. The completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with the Department use of deadly force policy.

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

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

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

306.8 AUDIO AND VIDEO RECORDINGS  
In instances when administrative investigations are undertaken where any audio or video recordings of the incident exist, the initial interview of the subject employee shall occur before the employee has reviewed the recordings.

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

Any AVR and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the District Attorney or City Attorney's Office as appropriate.
Firearms and Qualification

307.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, safe storage and documentation of training in the use of firearms. The Chief of Police or his/her designee must approve all firearms before they are acquired and utilized by any member of this department.

307.2 AUTHORIZED WEAPONS

Officers shall only use firearms that are issued or approved by the department and have been thoroughly inspected by a departmental armorer. Except in an emergency or as directed by a supervisor, no firearm shall be carried by an officer who has not previously qualified with that firearm at an authorized department range.

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

307.2.1 DUTY FIREARMS

The authorized department issued handgun is the Glock, 21/22, .40/.45, .40 or .45 caliber handgun. An officer may carry another semi-automatic handgun as approved by the Primary Firearm Instructor (PFI) with the following conditions:

(a) The handgun shall be of good quality and workmanship in the following calibers: .9mm, .40 S&W, or 45 A.C.P.

(b) The following firearm manufacturers are specifically authorized: Smith & Wesson, Glock, Sig-Sauer, Beretta, Heckler and Koch and 1911 style pistols, depending on the manufacturer.

(c) The purchase of the firearm, holster, magazine pouch and ammunition shall be the responsibility of the officer for firearms not issued by the department.

(d) It is the responsibility of the officer to submit the handgun to a department Armorer for inspection prior to being authorized to carry the firearm on duty.

(e) An authorized department firearms instructor shall ensure the officer is proficient in the handling, firing, and overall safe use of the chosen handgun. The handgun shall be subject to inspection whenever deemed necessary by supervisory or range personnel.

(f) The officer must successfully qualify with the handgun prior to being authorized to carry the selected weapon, and thereafter as required per department policy.
(g) A complete description of the firearm and its nomenclature shall be listed on the qualification record prepared by the department's PFI.

(h) If an officer desires to own more than one off-duty firearm, he/she may do so as long as the officer meets all the requirements set forth in this policy for each weapon used.

(i) Ammunition shall be commercially manufactured and/or of a type approved by the department.

307.2.2 AUTHORIZED SECONDARY FIREARM

Officers desiring to carry a secondary firearm shall carry a semi-automatic handgun or revolver of .380, 9mm, .357, .38, .40, or .45 caliber subject to the following restrictions:

(a) The department will limit the "Firearm waiver letter" to seven per employee.

(b) The firearm shall be in good working condition.

(c) Only one secondary firearm may be carried at any given time.

(d) The purchase of the firearm and ammunition shall be the responsibility of the officer.

(e) The firearm shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge or loss of physical control.

(f) The firearm shall be inspected and approved by the PFI prior to being carried and thereafter shall be subject to inspection whenever deemed necessary by the department.

(g) Ammunition shall be the same as department issue. If the caliber of the firearm is other than department issue, the PFI shall approve the ammunition.

(h) Prior to carrying the secondary firearm, officers shall qualify under range supervision and thereafter in accordance with the department qualification schedule. Officers must demonstrate proficiency, safe handling, and that the firearm functions properly.

(i) Officers shall provide written notice of the make, model, color, serial number, and caliber of a secondary firearm to the department Armorer.

307.2.3 AUTHORIZED OFF-DUTY FIREARM

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

(a) The firearm shall be of good quality and workmanship and approved by the department.

(b) The purchase of the firearm and ammunition shall be the responsibility of the officer.

(c) The firearm shall be carried concealed at all times in an appropriate holster that prevents accidental cocking, discharge, or loss of physical control.

(d) It will be the responsibility of the officer to submit the firearm to the PFI for inspection prior to being carried. Thereafter the firearm shall be subject to periodic inspection by the department Armorer.
Firearms and Qualification

(e) Prior to carrying any off-duty firearm, the officer shall demonstrate to the PFI that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(f) The officer will successfully qualify with the firearm prior to it being carried and thereafter annually. The range qualification dates will be specified by the PFI.

(g) A complete description of the firearm shall be contained on the qualification record approved by the PFI.

(h) If any member desires to use more than one firearm while off-duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each firearm used.

(i) Officers shall only carry department-authorized ammunition.

(j) When armed, whether on or off-duty, officers shall carry their badge and department identification.

307.2.4 AMMUNITION

Officers shall only carry department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all department issued firearms during the officer's first scheduled qualification each year. Officers carrying personally owned and authorized firearms of a caliber differing from department issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above at their own expense. Replacements for unserviceable or depleted ammunition issued by the department shall be dispensed by the Armorer when needed and in accordance with established policy.

The following ammunition is authorized for use: .40 caliber S&W w/factory 155, 165, or 180 grain JHP, .45 ACP, factory 230 grain JHP (standard velocity), 9mm, factory 124, 127, 115 JHP, or 115 grain JHP +P, .38 special, factory 158 grain lead semi-wadcutter hollowpoint +P or 125 grain JHP +P, 223/5/56 x 45 - factory 55 grain or 62 grain FMJ, or 75 grain JHP.

307.2.5 ALCOHOL AND DRUGS

Firearms and/or weapons shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drug that would tend to adversely affect the officer's senses or judgment.

307.2.6 LASER SIGHTS

Laser sights and mounted flashlights may only be installed on a weapon carried on or off-duty after they have been examined and approved by the Armorer.

(a) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.

(b) Once approved laser sights have been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting prior to carrying the weapon.
(c) Any approved firearm mounted lighting system shall only be installed in strict accordance with the manufacturer specifications.

(d) Once an approved lighting system has been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting prior to carrying the weapon.

(e) Laser sights and mounted flashlight systems are optional and their purchase, as well as the purchase of related equipment (batteries and holsters), are to be purchased at the expense of the officer.

Except for a training situation, an officer may only activate a laser sight when the officer would otherwise be justified in pointing a weapon at an individual or other authorized target. The purpose of weapons mounted lights is to allow an officer to identify potential threats possibly requiring the application of deadly force. The officer shall not point a weapon equipped with lighting at an individual or other authorized target unless justified to do so.

307.3 SAFE HANDLING OF FIREARMS
The intent of this policy is to promote proper firearm safety on and off duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) **ALL GUNS ARE ALWAYS LOADED.** There are no exceptions to this rule. Do not pretend that this is true. Be deadly serious about it. Treat all firearms with the respect due them. A firearm's utility comes from its loaded status, and, as such, this is the state in which most guns are found. Always assume that a firearm is loaded until you have determined otherwise.

(b) **NEVER ALLOW THE MUZZLE TO COVER ANYTHING YOU ARE NOT WILLING TO DESTROY.** This statement is self-explanatory, and it includes training situations as well as tactical environments. Many persons have been shot with supposedly "un-loaded" guns. This includes parts of your body, such as your support hand.

(c) **KEEP YOUR FINGER OFF THE TRIGGER UNTIL YOUR SIGHTS ARE ALIGNED ON TARGET AND YOU INTEND TO SHOOT.** You cannot line up any faster than you can position your finger. Firing an unaligned weapon can have disastrous results.

(d) **BE SURE OF YOUR TARGET.** Positively identify your target. Be aware of what is behind it.

307.3.1 SAFETY CONSIDERATIONS
Personnel shall also consider the following safety concerns:

(a) Officers shall not unnecessarily display or handle any firearm.
(b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the PFI. Officers shall not dry fire or practice quick draws except under supervision of the PFI.

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

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

(e) Officers shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner. It shall be the responsibility of the releasing officer to make sure that persons from outside agencies do not enter the jail section with any firearm.

(f) Officers shall not use any automatic weapon, heavy caliber rifle, gas or other type of chemical weapon from the armory, without the approval of a supervisor, and having been certified in its use.

(g) Any weapon authorized by the department to be carried on or off-duty that is found by the officer to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to the department Armorer for inspection. Any weapon determined to be in need of service or repair during an inspection by the department Armorer, will be immediately removed from service. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is serviceable.

307.3.2 STORAGE OF FIREARMS AT HOME

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults.

Officers shall be aware that negligent storage of a firearm could result in criminal prosecution under Penal Code § 25100.

307.3.3 SECURITY OF FIREARMS IN VEHICLES

Department personnel are responsible for knowing the location of firearms under their ownership, care or control, as well as ensuring those firearms are secured at all times. This responsibility applies whether an officer is on or off duty. When officers are in public and in possession of a firearm, they should maintain the firearm secured on their person at all times. If it becomes necessary to secure a firearm inside an unattended vehicle (excluding shotguns/patrol rifles already secured), officers shall adhere to the following guidelines:

(a) Officers shall not secure firearms in the glove box or other similar storage compartment within any vehicle.
(b) If a firearm must be stored in an unattended vehicle, the firearm shall be secured inside the locked trunk of the vehicle out of public view.

(c) If the vehicle design does not include a trunk (e.g., SUV, truck, sports car), the firearm shall be secured in a locked metal container affixed to the vehicle in a location within the passenger compartment not visible from the exterior of the vehicle. The firearm must be placed in the locked metal container out of public view.

If an officer is unable to secure a firearm in a vehicle as described above, the officer shall not leave a firearm in an unattended vehicle.

307.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify annually with their duty weapon and annually with their off-duty weapon and secondary weapon on an approved range course. The PFI shall keep accurate records of qualifications, repairs, maintenance, training or as directed by the Training Sergeant. In addition to regular schedules, the PFI shall be responsible for providing all sworn personnel with regular practical training designed to simulate field situations.

307.4.1 NON QUALIFICATION

If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer's assigned PFI or supervisor shall submit a memorandum to his/her immediate supervisor or assigned PFI prior to the end of the required shooting period.

Officers who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

Officers who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

(a) Additional range assignments may be required until consistent weapon proficiency is demonstrated

(b) Officers shall be given credit for a range qualification after remedial training and a qualifying score is obtained

(c) If qualification is not achieved or successful remedial training is not completed immediately after the initial failure to qualify, the officer will not be allowed to carry their firearm and will be placed on restrictive duty until re-qualification is achieved.

307.5 WARNING AND OTHER SHOTS

Officers shall not fire "warning shots" or discharge their firearm for the purpose of summoning aid.

307.6 DESTRUCTION OF ANIMALS

Officers 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 advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, CED, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

307.6.1 INJURED ANIMALS
With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

307.7 REPORT OF FIREARM DISCHARGE
Except during training or recreational use, any officer who discharges a firearm intentionally or unintentionally, on or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shooting Policy. If a firearm was discharged as a use of force, the involved officer shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

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

(a) If on-duty at the time of the incident, the officer shall immediately notify an on-duty supervisor, and if requested file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

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

307.8 PRIMARY FIREARM INSTRUCTOR (PFI) DUTIES
The range will be under the exclusive control of the Primary Firearm Instructor (PFI). All officers attending will follow the directions of the PFI, who will maintain a roster of all personnel attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any officer to sign in and out with the PFI may result in non-qualification.

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

The PFI or designee has the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by officers of this department to verify proper operation. The Armorer has the authority to deem any privately owned weapon unfit for service. The officer will be responsible
for all repairs to his or her personal weapon and it will not be returned to service until inspected by the Armorer.

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

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

307.9 MAINTENANCE AND REPAIR
Firearms carried on duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such weapon.

307.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS
The Armorer shall be the only person authorized to repair or modify any department-owned weapon. All repairs and/or modifications of department issued weapons not performed by the Armorer must be approved in advance by the Armorer and accomplished by a department approved gunsmith.

Any repairs or modifications to the officer's personally owned weapon shall be done at his or her expense and must be sanctioned, inspected, and approved by the Armorer.

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

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

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.

(b) Officers must carry their department identification card, which must contain a full-face picture, the officer's signature and the signature of the Chief of Police or the official seal of the department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
(c) The Richmond Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer’s travel. If approved, TSA will send the Richmond Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.

(d) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer. The letter must outline the officer’s need to fly armed, must detail his/her itinerary, and should include that the officer has completed the mandatory TSA training for law enforcement officer flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by a department-appointed instructor.

(f) It is the officer’s responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.

(g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officers must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(h) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.

(i) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

**307.11 CARRYING FIREARMS OUT OF STATE**

Qualified active full-time officers and qualified retired officers (see Policy Manual § 220) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC 926B and C):

(a) The officer shall carry his/her department identification card whenever carrying such weapon.

(b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.

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

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

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

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

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC 926B and C.
Crime Gun Tracing

308.1 PURPOSE AND SCOPE
Gun tracing in Richmond can reduce criminal access to weapons as well as decrease gun-related assaults, injuries, and deaths by limiting the sources of both illegal and legal guns in neighborhoods. Tracing guns and performing trace analysis can link crime-gun sellers, purchasers, and possessors across multiple jurisdictions, including identifying suspects who may be serving as "straw purchasers" for those who are linked to gun trafficking and firearm violence.

Gun tracing is an efficient crime-fighting tool, which allows local law enforcement to make more efficient use of limited resources. A successful trace on a recovered crime gun identifies the manufacturer, the Federal Firearm Licensed (FFL) dealer(s) involved in its sale(s), and initial and subsequent purchaser information. Crime gun tracing aides law enforcement officials in identifying suspects involved in criminal violations, establishing stolen status, and proving ownership, and overall interrupting the illegal gun market.

308.2 POLICY
It is the policy of the Richmond Police Department that all firearms recovered, found, or confiscated shall be properly processed, stored, traced, and analyzed for crime trends.

308.3 PROCEDURES
The Richmond Police Department is able to initiate a trace through the state and federal government:

(a) The State of California Department of Justice manages the automated firearm system (AFS). This is an electronic database which compiles information from Dealer Record of Sales (DROS) forms. It provides information on legal sales that take place within the state. Local law enforcement must enter the manufacturer, model, caliber, and serial number into the system, which may then display information on the city, state and local jurisdiction of where the firearm sale took place (not the dealer’s name and address), the date of the firearm sale and the purchaser's information. AFS provides a link to the FBI's National Crime Information Center (NCIC), which catalogs guns that have been voluntarily reported as lost or stolen. (There are very few guns listed in this database.)

1. State law requires the tracing of all crime guns recovered in California. Assembly Bill 2011 (Hertzberg, 1998, Chapter 911) mandates that local law enforcement report "crime" guns to the state Department of Justice with all available information necessary to identify and trace the history of that firearm. Per AB 2011, an electronic connection is supposed to send firearm information entered into AFS directly to the Division of Alcohol, Tobacco, and Firearms (ATF), to initiate a federal trace, so that local law enforcement only has to enter information once, into the state system only.
Crime Gun Tracing

(b) The Richmond Police Department may request that ATF initiate a federal (investigative) trace on a firearm using their National Tracing Center, which relies on information from Federal Firearms License (FFL) records. ATF requires that local law enforcement provide the firearm, manufacturer, model, caliber, serial number, and importer, where relevant. Currently, the federal trace is still initiated separately from the state’s tracing process.

308.3.1 OFFICERS RESPONSIBILITY

(a) When a firearm is taken into custody as evidence, or as confiscated property, the officer shall store it in the property vault using the following procedures.

- Complete a 87-1 Property Receipt Form;
- Complete the Contra Costa Sheriff Department IBIS card;
- Complete the ATF-F-3312-1 DOJ/ATF Trace form (e-trace);
- Complete a RPDSSB-02-03 AFS Form;

(b) Officers will subsequently complete and submit an offense report with a copy of the aforementioned forms to the Watch Commander for approval.

308.3.2 INVESTIGATOR RESPONSIBILITY

The designated investigator will be responsible for the following investigative follow-up once the firearm has been booked into the department property room:

(a) Examine all recovered firearms and enter data in line with the descriptive information requirements of local, state and federal firearm tracing processes;

(b) Maintain in-house firearm information databases and produce regular reports, which analyze patterns in juvenile acquisition and other trends useful in the planning of strategic resource deployment and intervention efforts;

(c) Monitor implementation of solutions to problems identified in the analytical reports.

308.3.3 SUPERVISOR RESPONSIBILITY

All first line supervisors shall insure that officers are properly booking recovered, found, or confiscated firearms. The investigative supervisor shall conduct a monthly audit to confirm that all recovered, found, or confiscated firearms are properly processed and traced using the County or other designated Crime Lab and the ATF e-trace system. The audit shall include the following information:

(a) What type of firearm;

(b) Results of trace information;
(c) Assigned investigative personnel;
(d) Investigative follow-up completed, if any.

The Investigative supervisor will submit the monthly report to the Division Commander for review.

308.3.4 TRACING DATA STORAGE
All trace data information shall be stored with the original offense report in the department's Records Unit. The Records Unit will enter the trace data information into the department's in-house computer system. Tracking information will also be stored in the ATF e-trace system.
Code 3 Response/Vehicle Pursuit Policy

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

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

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

309.1.1 VEHICLE PURSUIT DEFINED
A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspected or actual violator of the law in a motor vehicle while the driver is using evasive tactics, such as high speed driving, driving off a highway, turning suddenly, or driving in a legal manner but failing to yield to the officer's signal to stop.

309.2 OFFICER RESPONSIBILITIES
It is the duty of every officer to operate police vehicles with due regard for the safety of others. Every officer will be held accountable for their decision to initiate or continue a Code-3 response or a high-speed pursuit. Officers shall be prepared to discontinue a Code-3 response or high-speed pursuit whenever factors or circumstances indicate that continuation would be unsafe or when life or property is endangered. Officers shall drive in a manner that enables them to keep their vehicles under control at all times and drive at speeds which will enable them to avoid hazards they should reasonably anticipate by being alert and by exercising due care and caution.

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

309.2.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to engage in police vehicle pursuits only with supervisor approval under the following circumstances:

When the officer reasonably believes the person being pursued has committed or attempted to commit a violent/dangerous felony as specified in Penal Code §667.5(c), including, but not limited to:

(a) Murder or voluntary manslaughter
(b) Mayhem
(c) Rape
(d) Sodomy
(e) Sexual assault of a child
(f) Lewd or lascivious acts on a child
(g) Any felony punishable by death or imprisonment in state prison for life
(h) Infliction of great bodily injury on a person
(i) Felony domestic violence
(j) Robbery
(k) Carjacking
(l) Arson
(m) Kidnapping
(n) Exploding or igniting a destructive device with intent to commit murder or mayhem
(o) Using a firearm during the commission of a felony
(p) Burglary of an inhabited dwelling or vessel
(q) Assault with a firearm on a peace officer or firefighter
(r) And/or when there is an outstanding arrest warrant for a violent/dangerous felony as specified in Penal Code §667.5(c).
(s) And/or when the officer reasonably believes the person being pursued is armed with a firearm.

The decision to initiate and continue a pursuit shall be based on the following factors, including, but not limited to:

(a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.
(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

(c) Apparent nature of the fleeing suspect(s), (e.g., whether the suspect(s) represent a serious threat to public safety).

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

(e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.

(f) Pursuing officer(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.

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

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

(i) Vehicle speeds.

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

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

(l) Presence of a civilian ride-along in the police vehicle.

(m) Presence of a prisoner in the police vehicle (pursuits should not be undertaken with a prisoner in the police vehicle).

309.2.2 WHEN TO TERMINATE A PURSUIT
Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect’s escape.

The factors listed in § 314.2.1 of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term “terminate” shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed in § 314.2.1 of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:
(a) Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.

(b) Pursued vehicle's location is no longer definitively known.

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

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

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

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

(g) Pursuit is terminated by a supervisor.

309.2.3 SPEED LIMITS
The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

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

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the officer.

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

309.3 PURSUIT UNITS
Pursuit units should be limited to two vehicles; however, the number of units involved will vary with the circumstances.

An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s).

All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

309.3.1 MOTORCYCLE OFFICERS
A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practical.
309.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT
Vehicles not equipped with red light and siren are generally prohibited from initiating or joining in any pursuit. Officers in such vehicles, however, may become involved in emergency activities involving serious crimes or life threatening situations. Those officers should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any police helicopter. The exemptions provided by Vehicle Code § 21055 do not apply to officers using vehicles without emergency equipment.

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

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

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

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

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

(a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit.

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

309.3.5 PURSUIT DRIVING TACTICS
The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
2. Pursuing units should exercise due caution when proceeding through controlled intersections.

(c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:

1. Requesting assistance from an air unit.
2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
3. Requesting other units to observe exits available to the suspects.

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

(e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

309.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT
There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.
309.3.7 PURSUIT TRAILING
In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

309.3.8 AIRCRAFT ASSISTANCE
When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

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

309.4 SUPERVISORY CONTROL AND RESPONSIBILITY
It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving this department.

Supervisors must authorize and monitor pursuits and are discouraged from participating in pursuits. If a supervisor initiates a pursuit, the supervisor should relinquish the pursuit to the first available unit.

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

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

(b) Exercising management and control of the pursuit.

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

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

(e) Ensuring that aircraft are requested if available.

(f) Ensuring the proper radio channel is being used.
(g) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(h) Controlling and managing RPD units when a pursuit enters another jurisdiction.

(i) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

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

The Watch Commander shall review all pertinent reports for content and forward to the Critical Incident Review Board for evaluation.

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

309.5.1 COMMUNICATION CENTER RESPONSIBILITIES
Upon notification that a pursuit has been initiated, the Communications Center will:

(a) Coordinate pursuit communications of the involved units and personnel;

(b) Notify and coordinate with other involved or affected agencies as practical;

(c) Ensure that a field supervisor is notified of the pursuit;

(d) Assign an incident number and log all pursuit activities;

(e) Broadcast pursuit updates as well as other pertinent information as necessary;

(f) Notify the Watch Commander as soon as practical.

(g) Attempt to assign the closest available unit.

(h) Confirm the location from which the units are responding.

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

309.6 INTER-JURISDICTIONAL CONSIDERATIONS
When a pursuit enters another agency’s jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another
Code 3 Response/Vehicle Pursuit Policy

jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

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

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

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies and CHP units, a request for CHP assistance will mean that they will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves the freeway and a request for assistance is made to this department, the CHP should relinquish control.

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

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

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

As soon as practical, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency’s pursuit.
 Assistance to a pursuing allied agency by officers of this department will terminate at the City city limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

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

309.7 PURSUIT INTERVENTION
Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures.

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

Note: The Department is in the process of researching intervention tactics and they are currently not authorized.

309.7.1 USE OF FIREARMS
The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers shall not utilize firearms during an ongoing pursuit.

309.7.2 DEFINITIONS

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a stationary suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary roadblock. Blocking stationary vehicles should only be considered in cases involving felony suspects or impaired drivers who represent a danger to the public. Officers should have a reasonable belief that attempting a conventional enforcement stop would likely result in the driver attempting to flee in the vehicle.

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

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit.
Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

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

Spikes or tack strips - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

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

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

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

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

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:
1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.

2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.

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

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

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

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

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

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspects following the pursuit. Officers should consider the safety of the public, as well as the involved officers when formulating plans to contain and capture the suspects.

309.8 REPORTING REQUIREMENTS
The following reports must be completed to comply with appropriate local and state regulations:

(a) The primary officer shall complete appropriate crime/arrest reports.
(b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 10 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.

(c) If the pursuit involves a collision, injuries, fatality, deviation from policy, or other special circumstances, a field supervisor shall promptly complete a Supervisor's Memorandum, briefly summarizing the pursuit to his/her chain of command. This memo should minimally contain the following information:

1. Date and time of pursuit;
2. Length of pursuit;
3. Involved units and officers;
4. Initial reason for pursuit;
5. Starting and termination points;
6. Disposition: Arrest, citation, etc. Arrestee information should be provided if applicable;
7. Injuries and/or property damage;
8. Medical treatment;
9. Name of supervisor(s) at scene;
10. A preliminary determination that the pursuit appears to comply with this policy or additional review and/or follow-up are warranted;
11. Details of the special circumstances.

(d) All pursuits shall be documented on the OIC log.

309.8.1 REGULAR AND PERIODIC PURSUIT TRAINING
In addition to initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others (Vehicle Code § 17004.7(d)).

309.8.2 POLICY REVIEW
Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

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

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

310.2 RESPONSE TO CALLS
Officers dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Officers responding Code-3 shall continuously operate emergency lighting equipment, including at minimum a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code § 21055.

Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a red light and siren does not provide any exemption from the Vehicle Code.

Officers should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Officers not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

310.3 REQUESTING EMERGENCY ASSISTANCE
Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify Communications Center.

If circumstances permit, the requesting officer should give the following information:

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

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

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

310.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)
Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer’s judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify Communications Center. An officer shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall immediately give the location from which he/she is responding.

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

The dispatcher shall:

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

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

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

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

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

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

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

310.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Watch Commander, field supervisor, or Communications Center of the equipment failure so that another unit may be assigned to the emergency response.
Canine Program

311.1 PURPOSE AND SCOPE
The Canine Program was established to augment police services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement police operations to locate individuals, contraband and to apprehend criminal offenders.

311.2 GUIDELINES FOR THE USE OF CANINES
A canine maybe used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

(a) The individual poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
(b) The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
(c) The individual(s) is/are 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. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine.

Absent reasonable belief that an individual has committed, or threatened to commit a serious offense, and poses an imminent threat of violence or serious harm to the public, any officer, or the handler if not apprehended; mere flight from pursuing officer(s) shall not serve as good cause for the use of a canine to apprehend an individual.

Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practical.

311.2.1 PREPARATION FOR UTILIZING A CANINE
Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on scene shall carefully consider all pertinent information that is reasonably available at the time. Absent exigent circumstances, a supervisor must be on scene and briefed with the information known at the time prior to canine deployment. The information should include, but is not limited to the following:
(a) A canine will not be used to apprehend, search for, or subdue an individual who is known or reasonably should be known to be a juvenile offender unless a life-threatening situation exists or the canine officer has probable cause to believe the suspect is armed with a firearm;
(b) The nature of the suspected offense.
(c) Any potential danger to the public and/or other officers at the scene if the canine is released.
(d) The degree of resistance or threatened resistance, if any, the subject has shown.
(e) The potential for escape or flight if the police dog is not utilized.
(f) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

A canine handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision to deploy the dog shall remain with the handler, however, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.

311.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE
A clearly audible warning to announce that a canine will be released if the person does not come forth, shall be made prior to releasing a canine.

Absent exigent circumstances, when a subject's location is reasonably identified, a follow-up verbal challenge should be conducted to allow for the individual to submit to arrest. A reasonable time must elapse to allow for volitional submission to the warning prior to releasing the canine.

311.2.3 USE OF NARCOTIC-DETECTION CANINES
A narcotic-detection-trained canine may be used in accordance with current law under the following circumstances:

(a) To assist in the search for narcotics during a search warrant service.
(b) To obtain a search warrant by using the detection canine in support of probable cause.
(c) To search vehicles, buildings, bags and any other articles deemed necessary.

A narcotic-detection canine will not be used to search a person for narcotics.

311.2.4 GUIDELINES FOR NON-APPREHENSION USE
Because canines have senses far superior to those of humans, they may often be effectively utilized to track or search for non-criminals (e.g. lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and ability of the canine to determine the feasibility of such an application.
Canine Program

(a) Absent a change in circumstances that present an immediate threat to officers, the canine or the public, such applications should be conducted on leash or under such conditions that will minimize the likelihood that the canine will bite or otherwise injure the individual (e.g., the utilization of the e-collar).

(b) Throughout the deployment of the canine in such circumstances, the handler should consider issuing periodic verbal assurances that the canine will not bite or hurt the person.

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

(d) Once the individual has been located, the canine should be placed in a "down stay" position or otherwise secured as soon as it becomes reasonably practical.

311.2.5 REPORTING CANINE USE, BITES AND INJURIES
Whenever the police service dog is deployed, an administrative memorandum shall be completed by the handler and turned in to the Unit Coordinator before going off-duty.

Whenever the use of the canine results in a bite or any injury an administrative memorandum shall be completed and included with any related incident report.

The injured party should be transported to an appropriate medical facility if the injury requires medical attention beyond first aid. If the injured party is in custody an officer should remain with the suspect until treatment has been rendered.

Photographs shall be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. It shall be the responsibility of the Unit Coordinator to ensure that such photographs are retained until the potential need for use in any related civil proceeding has expired.

If a subject alleges an injury that is not visible, a supervisor shall be notified and the location of the alleged injury should be photographed as described above.

The Unit Coordinator will maintain liaison with the Animal Control Department to ensure that information regarding canine bites is not retained by its office. Canines used by law enforcement agencies are exempt from impoundment and reporting requirements to the Animal Control Department (Food and Agriculture Code § 31609(b)).

311.2.6 REPORTING CANINE INJURIES
In the event that a canine is injured, the injury will be immediately reported to the Watch Commander.

Depending on the severity of the injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and canine are out of the area, the handler may use the nearest available veterinarian.

The injury will be documented in an administrative memorandum.
Canine Program

311.2.7 ASSIGNMENT OF CANINES
The canine teams shall be assigned to the Patrol Division to supplement and assist the Patrol Division.

Canine teams should function primarily as cover units however; they may be assigned by the District Commander, Watch Commander, or Team Sergeant to other functions based on the needs of the watch at the time.

Canine teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary and only with the approval of the Watch Commander.

311.3 REQUEST FOR USE OF CANINE TEAMS
Personnel within the Department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Patrol Bureau shall go through the Unit Coordinator or the Watch Commander.

311.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES
The Watch Commander or the Unit Coordinator must approve all requests for canine assistance from outside agencies, subject to the following provisions:

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

(b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.

(c) Canine teams shall not be called out while off-duty or used outside the boundaries of the City of Richmond unless authorized by the Watch Commander or the Unit Coordinator.

(d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

311.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS
All public requests for a canine team shall be approved by the Unit Coordinator prior to making any commitment.

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the Unit Coordinator.

311.4 SELECTION OF CANINE HANDLERS
The following are the minimum qualifications for the assignment of canine handler:

(a) Richmond Police Department officer currently off probation;
Canine Program

(b) Reside in an adequately fenced, single-family, residence (minimum five-foot high fence with locking gates);
(c) Have a garage which can be secured and accommodate a canine unit;
(d) Live within 40 minutes travel time from the Richmond City limits;
(e) Agree to be assigned to the position for a minimum of three years;
(f) After three years the Canine Coordinator and Canine Manager will re-evaluate the performance of the canine team;
(g) An officer may work in the capacity of canine handler for the serviceable life of the dog or a maximum of eight years.

311.5 CANINE HANDLER RESPONSIBILITIES

311.5.1 AVAILABILITY
The handler shall be available for call-out under conditions specified by the Unit Coordinator.

311.5.2 CARE FOR THE CANINE AND EQUIPMENT
The handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions. The handler will be responsible for the following:

(a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
(b) Making sure the dog wears an identifying collar and tags at all times, including when off duty;
(c) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition and when not on duty shall maintain the canine unit in a garage, secured from public view;
(d) When a handler takes a vacation or extended number of days off, the assigned canine vehicle shall be maintained at the Police Department facility;
(e) Handlers shall permit the Unit Coordinator to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy;
(f) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Unit Coordinator as soon as possible;
(g) When off-duty, canines shall be maintained in kennels, provided by the City, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate
shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers;

(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 Unit Coordinator or Watch Commander;

(j) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Unit Coordinator or Watch Commander;

(k) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Unit Coordinator so that appropriate arrangements can be made.

311.5.3 CANINE IN PUBLIC AREAS
All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.

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

(b) When the canine unit 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 insure that the unattended unit remains inhabitable for the canine.

311.5.4 HANDLER COMPENSATION
The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act. The compensation shall be prescribed in the employee's Memorandum of Understanding.

311.6 MEDICAL CARE OF THE CANINE
All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in Policy Manual § 318.6.2.

311.6.1 NON-EMERGENCY MEDICAL CARE
Non-emergency medical care will be coordinated through the Unit Coordinator.

Any indication that a canine is not in good physical condition shall be reported to the Unit Coordinator or the Watch Commander as soon as practical.

All records of medical treatment shall be maintained in the canine handler's personnel file.

311.6.2 EMERGENCY MEDICAL CARE
The handler shall notify the Unit Coordinator as soon as practicable when emergency medical care for the canine is required.
Canine Program

Depending on the severity of the injury or illness, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

311.7 TRAINING
Before assignment in the field, each canine team shall be trained and certified to meet current POST standards. 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.

311.7.1 CONTINUED TRAINING
Each canine team shall thereafter be recertified to current POST standards and the California Narcotic Canine Association or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams shall receive training as defined in the current contract with the department’s canine training provider.

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

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the Richmond Police Department.

(d) All canine training shall be conducted while on-duty unless otherwise approved by the Unit Coordinator or Watch Commander.

311.7.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING
Any dog team failing POST canine certification and, if cross-trained, the California Narcotic Canine Association or other recognized and approved certification standards shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

311.7.3 TRAINING RECORDS
All canine training records shall be maintained in the canine handler’s training file.

311.8 CANINE UNIT COORDINATOR RESPONSIBILITIES
The Unit Coordinator shall be appointed by staff and shall supervise the Canine Program. The Unit Coordinator is directly responsible to the Patrol Division Commander. The Unit Coordinator shall be responsible for, but not limited to, the following:

(a) Review all Administrative Memorandums (regarding use of canine) to insure compliance with policy and to identify training issues and other needs of the program.

(b) Maintain liaison with the vendor kennel.
Canine Program

(c) Maintain liaison with administrative staff and functional supervisors.
(d) Maintain liaison with other agency canine coordinators.
(e) Maintain accurate records to document canine activities.
(f) Recommend and oversee the procurement of needed equipment and services for the unit.
(g) Be responsible for scheduling all canine related activities.
(h) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

311.9 CONTROLLED SUBSTANCE TRAINING AIDS
Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

Health & Safety Code § 11367.5 provides that any Sheriff, Chief Of Police, the Chief of the Bureau of Controlled Substance Enforcement, or the Commissioner of the California Highway Patrol, or a designee thereof may, in his or her discretion, provide controlled substances in his or her possession for training purposes:

(a) To any duly authorized peace officer or civilian drug detection canine trainer working under the direction of a law enforcement agency
(b) Provided the controlled substances are no longer needed as criminal evidence
(c) Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training

311.9.1 PROCEDURES
Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedure shall be strictly followed:

(a) All necessary controlled substance training samples shall be acquired from the Richmond Police Department's evidence personnel or from allied agencies authorized by Health & Safety Code § 11367.5 to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler
(b) The weight and test results shall be recorded and maintained by this department;
(c) Any person receiving controlled substance training samples pursuant to Health & Safety Code § 11367.5 shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

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

(e) All controlled substance training samples will be stored in locked metal boxes at all times, except during training. The locked metal boxes shall be secured in the trunk of the canine handler's assigned patrol unit, or stored in a locked evidence locker. There are no exceptions to this procedure.

(f) The Canine Unit Coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action;

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

311.9.2 IMMUNITY

All duly authorized peace officers acting in the performance of their official duties and any person working under their immediate direction, supervision or instruction are immune from prosecution under the Uniform Controlled Substance Act while providing substance abuse training or canine drug detection training (Health & Safety Code § 11367.5(b)).

311.10 EXPLOSIVE TRAINING AIDS

Explosive training aids are required to effectively train and maintain the skills of explosives detection dogs and can also provide effective training for law enforcement personnel and the public. Peace officers are permitted by law to possess, transport, store or use explosives or destructive devices while acting within the scope and course of employment (Penal Code § 18800). Explosive training aids designed specifically for K-9 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 is subject to the following requirements:

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

(b) An inventory ledger shall be maintained to document the type and quantity of explosives training aids held by the Canine Unit.

(c) The Canine Coordinator shall be responsible to verify the explosives training aids on hand against the inventory ledger once each quarter.

(d) Only members of the Canine Unit shall have access to the explosives training aid 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 second person on scene will be designated as the secondary custodian.

(f) Any lost or damaged explosives training aid shall be promptly reported to the Unit Supervisor in writing who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).
Domestic Violence

312.1 PURPOSE AND SCOPE
The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

312.1.1 DEFINITIONS
Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

312.2 POLICY
The Richmond Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

312.3 OFFICER SAFETY
The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

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

(a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations Division in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Marital status of suspect and victim.
2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
Domestic Violence

11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

312.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

312.4.2 IF NO ARREST IS MADE
If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.

2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

312.5 VICTIM ASSISTANCE

(a) Victims may be traumatized or confused. Officers should:

1. Recognize that a victim's behavior and actions may be affected.

2. Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.

3. Alert the victim to any available victim advocates, shelters and community resources.

4. Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

5. Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

6. Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

7. Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

8. Seek or assist the victim in obtaining an emergency order if appropriate.
Domestic Violence

(b) The victim should be advised of the following resources that are housed at the Richmond Police Department:

- **STAND! Against Domestic Violence (formerly Battered Women's Alternatives) 1-888-215-5555**: A key component of the county Safety Net, STAND! is one of several organizations that strive to help Contra Costa County families who are vulnerable or at risk. STAND! addresses family violence on several fronts to build safe and strong families, promoting healthy parenting and helping families learn to communicate effectively and create strong bonds, as well as providing shelter and resources for victims escaping violent homes. With a focus on rebuilding lives, STAND! provides a wide range of services that help victims and their families break the cycles of family violence they have experienced. Programs for victims help them heal the damage caused by abuse and create new lives for themselves and their families. Programs for abusers confront them with their destructive behavior and help them learn to change it.

- **Crime Victim Advocacy Program - Contra Costa County District Attorney’s Office and Richmond Police Department - 510-621-1745**: People who become crime victims often have emotional, financial and physical loses. Crime victims may be eligible to receive compensation for the losses they have suffered. Law enforcement officers are required to inform victims at the time of the crime about the availability of state compensation funds and the location of the local victim/witness assistance center where they may file for reimbursement. The offender does not need to be arrested before the victim or the victim's next of kin may apply for compensation. The Victim's Compensation Program is administered through the State of California's Victim's Compensation and Government Claims Program (VCGCB).

- **Community Violence Solutions (CVS) - 510-237-0113 and Toll-Free Crisis Line 1-800-670-7273**: This is the umbrella organization for Rape Crisis Centers in Contra Costa County and Marin County. As a result, one of its primary objectives is "ending sexual assault and family violence for adults and children".

### 312.6 Dispatch Assistance

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

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

### 312.7 Foreign Court Orders

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it
were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

312.8 VERIFICATION OF COURT ORDERS
Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

312.9 LEGAL MANDATES AND RELEVANT LAWS
California law provides for the following:

312.9.1 STANDARDS FOR ARRESTS
Officers investigating a domestic violence report should consider the following:

(a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is reasonable cause to do so requires supervisor approval.

1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).

(b) An officer responding to a domestic violence call who cannot not make an arrest will advise the victim of his/her right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making
a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests.

(c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
2. Penal Code § 273.5 (corporal injury on spouse, cohabitant)
3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
4. Penal Code § 646.9 (stalking)
5. Other serious or violent felonies specified in Penal Code § 1270.1

(d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:

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

(e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

312.9.2 COURT ORDERS

(a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located, and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall carry copies of the order while on-duty and shall file a copy with the court as soon as practicable (Family Code § 6270 et seq.).
Richmond Police Department
Richmond PD CA Policy Manual

Domestic Violence

(b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).

c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)(2)).

d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

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

312.9.4 REPORTS AND RECORDS
(a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.

(b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.

(c) Officers who seize any firearm or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 33800; Family Code § 6389(c)(2)).

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

312.9.6 DECLARATION IN SUPPORT OF BAIL INCREASE
Any officer who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee's appearance or to protect the
Domestic Violence

victim or family member of a victim, the officer shall prepare a declaration in support of increased bail (Penal Code § 1269c).
Domestic Violence Lethality Assessment Program (LAP)

313.1 POLICY STATEMENT
It is the policy of the Richmond Police Department to use the Lethality Screen at the scene of domestic violence incidents to identify victims of domestic violence in potentially lethal situations, and follow the established criteria to place those victims in immediate and direct contact with a domestic violence service program (STAND!) victim advocate. Officers administering the Lethality Screen to domestic violence victims should connect High-Danger victims to domestic violence victim advocates.

313.2 GENERAL
To establish a protocol and implement the use of the Lethality Assessment Program (LAP) at domestic violence calls for service.

313.3 DEFINITIONS
(a) DOMESTIC VIOLENCE/ABUSE: Domestic violence is a pattern of coercive behavior characterized by the domination and control of one person over another, usually an intimate partner, through physical, psychological, emotional, verbal, sexual, and/or economic abuse. Domestic violence is often called "domestic abuse" because it does not necessarily involve physical violence, and some of the tactics may not even be considered a crime.

(b) ABUSER: A person who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against an intimate partner, with the goal of establishing and maintaining power and control over the victim.

(c) VICTIM: The person against whom an abuser directs coercive and/or violent acts.

(d) INTIMATE RELATIONSHIP: An "intimate relationship" is one in which heterosexual or same-sex partners have, or have had, a sexual or emotionally intimate relationship.

(e) INTIMATE PARTNERS: Intimate partners are persons who are, or have been involved, in an intimate relationship and who:
   1. Are married, separated, or divorced;
   2. Live or have lived together;
   3. Are current or former same-sex partners
   4. Have children in common; or
   5. Date, or have dated, but do not live, or have never live, together.

(f) INTIMATE PARTNER VIOLENCE: Domestic violence between intimate partners.
Domestic Violence Lethality Assessment Program (LAP)

(g) LETHALITY SCREEN: The evidence-based field instrument is used by trained personnel to assess a person who is a victim of intimate partner violence for her/his risk of being killed by an intimate partner.

(h) HIGH-DANGER: A term used for a victim who has been assessed through use of the LAP and the Lethality Screen as being at the greatest risk of being killed. The victim is said to be at "High-Danger."

313.4 INITIATING A LETHALITY ASSESSMENT

(a) In addition to the procedures outlined in the general order, the responding officer should complete the Lethality Screen when he/she responds to a domestic violence complaint involving intimate partners and one or more of the following conditions exist:

1. There is reason to believe an assault or an act that constitutes domestic violence has occurred, whether or not there is an arrest.
2. There is a belief or sense on the part of the responding officer that once the victim is no longer in the care or presence of the responding officer the potential for assault or danger is high.
3. Repeated calls for domestic violence complaints at the same location or involving the same parties.
4. The responding officer believes one should be administered based on his/her experience, training, and instinct.

(b) Responding officers should engage interpreter services in the manner described in Richmond Police Department Policy, entitled "Language Access services for Limited English Proficient (LEP) Persons."

313.5 LETHALITY SCREEN QUESTIONS

To initiate the Lethality Screen and corresponding LAP response protocol, the responding officer should:

(a) Advise the victim in a positive, supportive manner that she/he will be asked a series of questions to help the officer determine the immediate potential for danger to the victim.

(b) Administer the Lethality Screen outside the presence, hearing and awareness of the suspected abuser, family and/or other household members, particularly those who may be contributing to a dynamic of coercive control and abuse, or perpetuating some of the abuse directly; and any other parties who may also be in the residence.

(c) Ask the questions in the order they are listed on the form and in the manner they are written.

(d) Ask all the questions in assessing the victim. The more questions the victim responds to positively, the clearer and more immediate the potential for danger is to the victim.
313.6 ASSESSING THE RESPONSES TO THE LETHALITY QUESTIONS

(a) After the responding officer asks the questions on the Lethality Screen, he/she should respond as follows:

1. A single “Yes” response by the victim to questions 1, 2 or 3 reflects a High-Danger situation and automatically triggers the hotline call. Officers should still ask the remaining questions, as they will help the officer gather a more comprehensive understanding of the victim’s situation before calling the hotline. Doing so will also allow the victim to assimilate lethality predictors that indicate that she/he is at risk of being killed by her/his intimate partner.

2. If the victim gives “No” responses to questions 1-3, but “Yes” responses to four or more of questions 4 thru 11, this reflects a High-Danger situation and triggers the hotline call.

3. “No” responses to all of the assessment questions, or “Yes” responses to less than four of questions 4 thru 11, may still trigger the hotline call if the responding officer believes it is appropriate. The officer should ask the victim the following question: “Is there anything else that worries you about your safety? If yes, what worries you?” The response to the question may aid the officer in his/her assessment.

(b) Similar to the subsection above, the officer may also assess a victim as High-Danger if the officer believes it is appropriate when:

1. The victim declines to answer all the questions on the Lethality Screen, or

2. The victim does not answer one or several of the questions so that the victim does not respond “Yes” to enough questions to be assessed at High-Danger according to the protocol, or

3. If the victim’s responses do not reflect High-Danger, but the officer’s “read” of the situation indicates High-Danger, the officer should make the hotline call.

313.7 ASSESSING THE RESPONSES TO THE LETHALITY QUESTIONS, NON-HIGH DANGER

If the victim is not assessed as High-Danger after the Lethality Screen is completed, the officer should:

(a) Advise the victim that “domestic violence is dangerous and sometimes fatal.”

(b) Inform the victim to watch for the signs listed in the assessment because they may convey to the victim that she/he is at an increased level of danger.

(c) Refer the victim to STAND!. If the victim would like to speak to the hotline, the officer should make the call for the victim. If the victim agrees, the officer does not need to remain on the scene during the victim-advocate conversation.

(d) Provide the victim with the case number, the officer’s contact information, or the number of another agency contact if the officer will not be available.
313.8 HIGH-DANGER VICTIMS AND THE HOTLINE CALL

(a) If a High-Danger assessment is made, the hotline call shall be implemented as follows:

1. Advise the victim that her/his answers have indicated to the officer that the victim is at an increased level of danger, and that people in the victim’s situation have been killed or seriously injured. Convey this information in an understanding manner.

2. Advise the victim that you would like to call STAND! and invite the victim to speak with a hotline advocate. In communicating with the victim, be encouraging and supportive.
   - Crisis Line for LAP: (888) 215-5555

3. If the victim initially agrees to speak with a hotline advocate, the officer should call the hotline number, introduce him/herself, and advise the hotline advocate that he/she has made a High Danger assessment. The officer should provide responses to a brief set of questions prompted by the hotline advocate. The officer should then continue the protocol as described in sections

4. If the victim initially declines to speak with the hotline advocate, the officer should:
   - Tell the victim that the officer will still contact the domestic violence hotline to receive guidance on how to proceed with the situation;
   - Tell the victim that she/he may decline to speak with the hotline, but that the officer would like the victim to reconsider speaking with the hotline advocate; and
   - While the officer is still on the phone with the hotline advocate, the officer should ask the victim if she/he has reconsidered and would now like to speak with the hotline advocate.

5. If the victim continues to decline to speak with the hotline advocate, the officer should convey information that the hotline advocate has suggested about safety planning and requesting a safe phone number for an advocate to follow up with the victim.

6. If the victim agrees to speak with a hotline advocate after the officer has asked a second time, the officer should proceed with the protocol as described in previous sections.

7. During the conversation between the hotline advocate and the victim, the officer should stay on the scene and allow the victim privacy while she/he speaks with the hotline.

8. At the appropriate time during the conversation between the victim and the hotline advocate, the hotline advocate will ask to speak with the officer to conclude the call.

9. The officer should be guided by the discussion with the hotline advocate for further assistance. Officers should provide reasonable assistance to the victim if help is requested, such as transporting the victim to a safe place.
Domestic Violence Lethality Assessment Program (LAP)

(b) If a High-Danger victim assessment is made, the officer should flag the victim’s name and address of residence in the premise history with the following alert/notation:

1. “LAP DV Victim [Name] screened-in as High-Danger on [Date]”

313.9 WORKING WITH LIMITED ENGLISH PROFICIENT (LEP) PERSONS

General Principles:

(a) Working with parties with Limited English Proficient (LEP) persons is not only about understanding the parties and being understood by them. The best practice is for the party with limited English proficiency to have as similar of an experience as an English speaking person.

(b) Officers and advocates should have employed the language access plan prior to administering the Lethality Screen or performing any part of the LAP protocol.

(c) If available, an officer and an advocate who speak the victim’s primary language should respond and perform the LAP.

(d) The LAP should proceed according to protocol, and be revised only to take into account the requirements of language interpretation.

313.10 FILING OF THE LETHALITY SCREEN

(a) Officers who have completed Lethality Screens shall transmit a copy to STAND! by the end of the officer’s shift. Lethality screens can be scanned/emailed or faxed to the STAND! LAP Coordinator. If the Lethality Screen is scanned/emailed to STAND! the DSVU Supervisor should receive a copy of the document.

1. The STAND! LAP fax number is: (925) 265-6066
2. The STAND! LAP email address is: LAPCCC@standffov.org

(b) The officer who completes the Lethality Screen shall file the original with the police report.

(c) Records personnel shall route a copy of the Lethality Screen to the DSVU Supervisor within 24 hours.

(d) The DSVU Supervisor will:

1. Maintain a file of lethality screens,
2. Prepare a report as provided in Section 321.13 (Records Reporting) below, and
3. Submit the report to the LAP team coordinator at regular intervals.

313.11 DSVU SUPERVISOR

The DSVU Supervisor is tasked with:

(a) Facilitating department training,

(b) Maintaining and reporting LAP data;
(c) Serving as a liaison, communicating, and meeting with participating LAP agency representatives and agencies, and
(d) Generally oversee and monitor the progress of the LAP.

313.12 TRAINING
LAP training shall be provided by LAP-trained staff to all officers before the conclusion of their field-training period.

313.13 RECORDS REPORTING
(a) The DSVU Supervisor will prepare and forward annual reports to the LAP team coordinator at regular intervals.
(b) The reports will contain the following information:
   1. The number of Lethality Screens attempted;
   2. The number of victims assessed as being in High-Danger;
   3. The number of victims assessed, but determined not to be in High-Danger;
   4. The number of victims that did not respond to all of the screening questions; and
   5. The number of victims assessed as being in High-Danger who spoke to a hotline advocate.
Search and Seizure

314.1 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 Richmond Police Department personnel to consider when dealing with search and seizure issues.

314.2 POLICY
It is the policy of the Richmond 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.

In accordance with the Training Policy, 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.

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

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

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

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

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

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

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

(a) Members of this department will strive to conduct searches with dignity and courtesy.
(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
   1. Another officer or a supervisor should witness the search.
   2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

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

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

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

315.1 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 Richmond Police Department (42 USC § 5633).

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

315.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

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

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

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

Examples of secure custody include:

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

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
Temporary Custody of Juveniles

(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.

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

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

315.2 POLICY
The Richmond Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Richmond Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

315.3 JUVENILES WHO SHOULD NOT BE HELD
Juveniles who exhibit any of the following conditions should not be held at the Richmond Police Department:

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).

(e) Extremely violent or continuously violent

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

These juveniles should not be held at the Richmond Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).
**Temporary Custody of Juveniles**

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

315.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

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

315.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

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

315.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Richmond Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Richmond Police Department without authorization of the arresting officer's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Richmond Police Department (42 USC § 5633; Welfare and Institutions Code § 207.1(d)).

315.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Richmond Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (42 USC § 5633; Welfare and Institutions Code § 206).

315.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Status offenders shall not be held in secure custody (42 USC § 5633).
Temporary Custody of Juveniles

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

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

A juvenile offender who is 14 years of age or older and suspected of using a firearm in violation of Welfare and Institutions Code 625.3 shall be transported to a juvenile facility.

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

In all other cases the juvenile offender may be:

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

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

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

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

Whenever a juvenile is taken into temporary custody, he/she shall be given the Miranda rights advisement regardless of whether questioning is intended (Welfare and Institutions Code § 625).

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

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

315.6 JUVENILE CUSTODY LOGS
Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

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

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

315.7 NO-CONTACT REQUIREMENTS
Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (42 USC § 5633; Welfare and Institutions Code § 207.1(d); Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Richmond Police Department (trained in the supervision of persons in custody) shall maintain a constant, immediate,
Temporary Custody of Juveniles

side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

315.8 TEMPORARY CUSTODY REQUIREMENTS
Members and supervisors assigned to monitor or process any juvenile at the Richmond Police Department shall ensure the following:

(a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Richmond Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Richmond Police Department more than six hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal safety checks and significant incidents/activities shall be noted on the log.

(d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).

(f) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).

(g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles shall have privacy during family, guardian and/or lawyer visits (15 CCR 1143).

(j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

(k) Blankets shall be provided as reasonably necessary (15 CCR 1143).

(l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
Temporary Custody of Juveniles

(o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse (15 CCR 1142).

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

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

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

315.10 PERSONAL PROPERTY
The officer taking custody of a juvenile offender or status offender at the Richmond Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Richmond Police Department.

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

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

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

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

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

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

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

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

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

   (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.

   (b) Juveniles shall have constant auditory access to department members (15 CCR 1147).

   (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1(d)).

   (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (Welfare and Institutions Code § 207.1(d); 15 CCR 1147; 15 CCR 1151).

      1. All safety checks shall be logged.

      2. The safety check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).

      3. Requests or concerns of the juvenile should be logged.

   (e) Males and females shall not be placed in the same locked room (15 CCR 1147).

   (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

   (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.
Temporary Custody of Juveniles

315.12  SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

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

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

(b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the City attorney.

(e) Notification to the coroner.

(f) Notification of the juvenile court.

(g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).

(h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.

(i) Evidence preservation.

315.13  INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

315.14  FORMAL BOOKING

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

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

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

(a) The gravity of the offense

(b) The past record of the offender

(c) The age of the offender
Temporary Custody of Juveniles

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

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Richmond Police Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

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

315.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION
The Patrol Division Commander shall coordinate the procedures related to the custody of juveniles held at the Richmond Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).
Elder Abuse

316.1 PURPOSE AND SCOPE
This policy provides members of this department with direction and understanding of their role in the prevention, detection and intervention in incidents of adult abuse. It is the policy of the Richmond Police Department to treat reports of adult abuse as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspects.

316.2 DEFINITIONS
Definitions related to this policy include:

**Adult Abuse** - Any offense or attempted offense involving violence or neglect of adults over the age of 65 or any offense or attempted offense involving a dependent adult victim committed by a caregiver. This also includes any other act that would mandate notification to a social service/licensing agency or law enforcement related to the abuse of an adult (Welfare and Institutions Code § 15610.07; Welfare and Institutions Code § 15610.27; Welfare and Institutions Code § 15610.23).

**Dependent Adult** - Any person residing in this state, between 18 and 64 years of age, who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This includes any person between 18 and 64 years of age who is admitted as an inpatient to a 24-hour health facility, as defined in state law (Health and Safety Code § 1250; Health and Safety Code § 1250.2; Health and Safety Code § 1250.3).

316.3 MANDATORY NOTIFICATION
Any member who has observed or has knowledge of an incident that reasonably appears to be adult abuse, is told by an elder or dependent adult that he/she has experienced abuse or who reasonably suspects abuse, shall report to the county adult protective services agency as soon as practicable or as provided below (Welfare and Institutions Code § 15630).

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, financial abuse or neglect. Physical abuse includes any assault or sex crime (Welfare and Institutions Code § 15610.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code § 15610.30). Notification is also made in cases of abandonment, abduction, isolation and neglect (Welfare and Institutions Code § 15610.05; Welfare and Institutions Code § 15610.06; Welfare and Institutions Code § 15610.43; Welfare and Institutions Code § 15610.57).

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

(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

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

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

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

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

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

(d) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

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

(f) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services.

(g) If the abuse occurred at a residential care facility for the elderly or adult day program, the State Department of Social Services shall be notified.

(h) If the abuse occurred in an adult day health care center, the State Department of Public Health and the California Department of Aging shall be notified.

Failure to make a report within two working days or as provided is a misdemeanor (Welfare and Institutions Code § 15630(h)).

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

316.3.1 RECORDS SECTION RESPONSIBILITY
The Records Section is responsible for the following:
Elder Abuse

(a) Provide a copy of the elder/dependent abuse report to Adult Protective Services. This requirement is applicable even if the initial call was received from Adult Protective Services.

(b) Retain the original elder/dependent abuse report with the initial case file.

316.4 OFFICER'S RESPONSE
All incidents involving actual or suspected adult abuse shall be fully investigated and appropriately documented.

316.4.1 INITIAL RESPONSE
Officers may be called upon to effect a forced entry as the first responder to the scene of suspected adult abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

316.4.2 STABILIZE THE SITUATION
Officers must quickly assess the situation in an effort to ensure the immediate safety of all persons. Officers shall also consider taking the following actions:

(a) 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.

(b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence that may change in appearance (e.g., injuries) should be photographed as soon as practicable.

(c) Assess and define the nature of the problem. Officers should assess the available information to determine the type of abuse that may have taken place or the potential for abuse in the future that may be eliminated by intervention.

(d) Make on-scene arrests when appropriate. Officers may arrest a person without a warrant when probable cause exists to believe that the person has committed an assault or battery, whether or not the assault or battery has in fact been committed, upon an adult to whom the suspect is related by blood or legal guardianship, provided the arrest is made at the time probable cause arises (Penal Code § 836).

If an arrest is not otherwise required by law, officers should consider the consequences that the immediate arrest of a sole supporting family caretaker might have on the victim. The decision to arrest should be based on the best interests and caretaking needs of the elderly or dependent adult victim. The present and future safety of the victim is of utmost importance.

316.4.3 SUPPORT PERSONNEL
The following persons should be considered if it appears an in-depth investigation is appropriate:
Elder Abuse

- Patrol supervisor
- Detective personnel
- Evidence collection personnel
- Protective Services Agency personnel
- Ombudsman shall be called if the abuse is in a long-term care facility, to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

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

316.5 ADULT ABUSE REPORTING
Every allegation of adult abuse shall be documented in a report. When documenting elder/dependent abuse cases the following information should also be included in the report:

- Current location of the victim
- Victim's condition/nature and extent of injuries, neglect or loss
- Names of agencies and personnel requested and on scene

Reporting cases of adult abuse is confidential and will only be released in accordance with the Release of Records and Information Policy.

Officers investigating adult abuse shall complete a State of California form SOC 341 (Report of Suspected Dependent Adult/Elder Abuse).
Discriminatory Harassment

317.1 PURPOSE AND SCOPE
This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

317.2 POLICY
The Richmond Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

317.3 DISCRIMINATION PROHIBITED

317.3.1 DISCRIMINATION
The Department prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on sex, race, color, religion, ancestry, national origin, disability, medical condition, sexual orientation or any other protected classes.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department's commitment to a discrimination free work environment.

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.
Discriminatory Harassment

317.3.2 SEXUAL HARASSMENT
The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

317.3.3 ADDITIONAL CONSIDERATIONS
Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission and the Department of Fair Employment and Housing guidelines.

(b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

317.4 RESPONSIBILITIES
This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Director of Human Resources or the City Manager.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall proceed with procedures as stated below.
317.4.1 SUPERVISOR RESPONSIBILITY
Each supervisor and manager shall:

(a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensure that their subordinates understand their responsibilities under this policy.

(d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Notify the Chief of Police or Director of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

317.4.2 SUPERVISOR’S ROLE
Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

(a) Behavior of supervisors and managers should represent the values of our Department and professional law enforcement standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

(c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.

(d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling employees or issuing discipline, in a manner that is consistent with established procedures.

317.5 INVESTIGATION OF COMPLAINTS
Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.
Discriminatory Harassment

317.5.1 SUPERVISORY RESOLUTION
Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

317.5.2 FORMAL INVESTIGATION
If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, Director of Human Resources or the City Manager.

317.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS
No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Department. Employees who believe that they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

317.6 NOTIFICATION OF DISPOSITION
Complainant and/or victim will be notified in writing of the disposition of the investigation and action(s) taken to remedy the complaint.

317.7 DOCUMENTATION OF COMPLAINTS
All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police, the City Manager or the Director of Human Resources if more appropriate
- Maintained for the period established in the department's records retention schedule
Discriminatory Harassment

317.8 TRAINING
All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

317.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT
Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Chief of Police, Director of Human Resources or the City Manager, or they may contact the California Department of Fair Employment and Housing.
Child Abuse

318.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Richmond Police Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

318.1.1 DEFINITIONS
Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

318.2 POLICY
The Richmond Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

318.3 MANDATORY NOTIFICATION
The child protection agency shall be notified when (Penal Code § 11166):

(a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or

(b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care or supervision where no physical injury to the child has occurred should not be reported to the District Attorney (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1);
Child Abuse

neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the
person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury
(Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors,
nor does it include an injury caused by the reasonable and necessary force used by a peace
officer acting within the course and scope of his/her employment as a peace officer.

318.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (Penal Code § 11166):

(a) Notification shall be made immediately, or as soon as practicable, by telephone, fax
or electronic transmission.

(b) A written follow-up report should be forwarded within 36 hours of receiving the
information concerning the incident.

318.4 QUALIFIED INVESTIGATORS
Qualified investigators should be available for child abuse investigations. These investigators
should:

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school
administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the
child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable
(Welfare and Institutions Code § 18961.7).

318.5 INVESTIGATIONS AND REPORTING
In all reported or suspected cases of child abuse, a report will be written. Officers shall write a
report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as
applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all
circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without
the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the
statements.
(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

318.5.1 EXTRA JURISDICTIONAL REPORTS
If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

318.6 PROTECTIVE CUSTODY
Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

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

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.
Child Abuse

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

(a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.
2. The child is in immediate danger of physical or sexual abuse.
3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
2. There is no lawful custodian available to take custody of the child.
3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
4. The child is an abducted child.

(c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 or Penal Code § 278.5.

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

318.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW
An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

318.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS
Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.
**Child Abuse**

Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

318.7 **INTERVIEWS**

318.7.1 **PRELIMINARY INTERVIEWS**
Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

318.7.2 **DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW**
An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:
   1. A reasonable belief that medical issues of the child need to be addressed immediately.
   2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
   3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

318.7.3 **INTERVIEWS AT A SCHOOL**
Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

318.8 **MEDICAL EXAMINATIONS**
If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a
medical examination, the notified supervisor should consider obtaining a court order for such an examination.

318.9 DRUG-ENDANGERED CHILDREN
A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

318.9.1 SUPERVISOR RESPONSIBILITIES
The Investigations Division supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigations Division supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

318.9.2 OFFICER RESPONSIBILITIES
Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

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

318.10 STATE MANDATES AND OTHER RELEVANT LAWS
California requires or permits the following:

318.10.1 RELEASE OF REPORTS
Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Release of Records and Information Policy (Penal Code 841.5; Penal Code § 11167.5).

318.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)
Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California’s CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active
case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

318.10.3 CACI HEARING OFFICER
The Investigations Division supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person’s name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

318.10.4 CACI HEARING PROCEDURES
The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

(a) Case reports including any supplemental reports
(b) Statements by investigators
(c) Statements from representatives of the District Attorney’s Office
(d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party’s name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person’s name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

318.10.5 CHILD DEATH REVIEW TEAM
This department should cooperate with any interagency child death review team investigation (Penal Code § 11174.32).
318.11 TRAINING
The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.
(b) Conducting forensic interviews.
(c) Availability of therapy services for children and families.
(d) Availability of specialized forensic medical exams.
(e) Cultural competence (including interpretive services) related to child abuse investigations.
(f) Availability of victim advocate or guardian ad litem support.
Missing Person Reporting

319.1 PURPOSE AND SCOPE
This policy provides guidance for handling missing person investigations.

319.1.1 DEFINITIONS
At risk - Includes, but is not limited to (Penal Code § 14213) the following:

- A victim of a crime or foul play
- A person missing and in need of medical attention
- A missing person with no pattern of running away or disappearing
- A missing person who may be the victim of parental abduction
- A mentally impaired missing person

Missing Person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14213).

Missing person networks - Those databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

319.2 POLICY
The Richmond Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until the facts reveal otherwise. The Richmond Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14205).

319.3 REQUIRED FORMS AND DNA COLLECTION KITS
The Investigative Services supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases
- Missing Person Investigation Checklist, providing investigation guidelines and resources available in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing Person School Notification Form
Missing Person Reporting

- Medical Records Release Form from the California Department of Justice
- California DOJ missing person forms as appropriate
- DNA Missing Persons Specimen Collection Kits

319.4 ACCEPTANCE OF REPORTS
Any employee encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14205). This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those employees who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert an employee who can take the report.

A report shall be accepted regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14205).

319.5 INITIAL INVESTIGATION
Officers or other employees conducting the initial investigation of a missing person should take the following investigative actions as applicable:

(a) Respond to a dispatched call for service as soon as practicable.
(b) Interview the reporting person and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
(c) Notify a supervisor immediately if there is evidence that a missing person is at risk.
(d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 or may be at risk (Penal Code § 14205).
(e) Ensure that entries are made into the appropriate networks as follows:
   1. Immediately when the missing person is at risk
   2. In all other cases, as practicable but not later than two hours from the time of the initial report
(f) Notify a supervisor if the missing person may qualify for a public alert, as provided in the Public Alerts Policy.
(g) Complete the Department's missing person report forms accurately and completely.
(h) Collect and/or review the following:
   1. A photograph and a fingerprint card of the missing person, if available
   2. A voluntarily provided DNA sample of the missing person, if available (toothbrush, etc.)
3. Any documents that may assist in the investigation, such as court orders regarding custody
4. Any other evidence that may assist in the investigation, including personal electronic devices (cell phones, computers, etc.)
   
(i) Contact the lead agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at risk missing person, the officer should notify a supervisor and proceed with reasonable steps to locate the missing person.

319.6 REPORT PROCEDURES AND ROUTING
Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

319.6.1 SUPERVISOR RESPONSIBILITIES
The supervisor shall review and approve missing person reports upon receipt and ensure resources are deployed as appropriate. The reports should be promptly sent to Records Section.

The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.

The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation between agencies.

319.6.2 RECORDS SECTION RESPONSIBILITIES
The receiving employee shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14205).

(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen.

(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known (Penal Code § 14205).

(d) Forward a copy of the report to the Investigations Division.

319.7 INVESTIGATION SECTION FOLLOW-UP
The investigator assigned to a missing person investigation:
(a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph (California Education Code 49068.6).

2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update CLETS, NCIC and any other applicable missing person networks within 60 days of the original entry into the networks and every 45 days thereafter until the missing person is located (42 USC § 5780).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 45 days.

(f) Shall maintain a close liaison with the National Center for Missing and Exploited Children if the missing person is under the age of 21 (42 USC § 5780).

(g) Should make appropriate inquiry with the coroner or medical examiner and obtain and forward medical records, photos, x-rays and DNA samples pursuant to Penal Code § 14206 and Penal Code § 14250.

(h) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14209).

(i) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs). (NamUs is a free online system that can be searched by medical examiners, coroners, law enforcement officials and the general public to solve these cases).

319.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report and notify the reporting party and other involved agencies.

The Records Supervisor shall ensure that upon receipt of information that a missing person has been located, the following occurs:
Missing Person Reporting

(a) Notification is made to California DOJ.
(b) The missing child's school is notified.
(c) Entries are made in the applicable missing person networks (Penal Code § 14207).
(d) When a child under 12 years of age or a person who is at risk is found, the report of finding shall be made within 24 hours to the California Attorney General's Office (Penal Code § 14207(b)).
(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation (Penal Code § 14207(b)).

319.8.1 UNIDENTIFIED PERSONS
Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.
(b) Enter the unidentified person's description into the NCIC Unidentified Person File.
(c) Use available resources, such as those related to missing persons, to identify the person.

319.9 CASE CLOSURE
The Investigations Division supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
(b) If the missing person was a resident of Richmond or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
(c) If this department is not the lead agency, the case can be made inactivate if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.
(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

319.10 TRAINING
The Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

(a) The initial investigation:
Missing Person Reporting

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.
(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
(d) Verifying the accuracy of all descriptive information.
(e) Initiating a neighborhood investigation.
(f) Investigating any relevant recent family dynamics.
(g) Addressing conflicting information.
(h) Key investigative and coordination steps.
(i) Managing a missing person case.
(j) Additional resources and specialized services.
(k) Update procedures for case information and descriptions.
(l) Preserving scenes.
(m) Internet and technology issues (e.g., Internet use, cell phone use).
(n) Media relations.
Public Alerts

320.1 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.

320.2 POLICY
Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system’s individual criteria.

320.3 RESPONSIBILITIES

320.3.1 EMPLOYEE RESPONSIBILITIES
Employees of the Richmond Police Department should notify their supervisor, Watch Commander or Investigations Division Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

320.3.2 SUPERVISOR RESPONSIBILITIES
A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts
(b) Canceling alerts
(c) Ensuring all appropriate reports are completed
(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

320.4 AMBER ALERTS
The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.
Public Alerts

320.4.1 CRITERIA FOR AMBER ALERT
The following conditions must be met before activating an AMBER Alert (Government Code 8594(a)):

(a) Abduction has been determined to have occurred.
(b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
(c) The victim is in imminent danger of serious injury or death.
(d) There is information available that, if provided to the public, could assist in the child's safe recovery.

320.4.2 PROCEDURE FOR AMBER ALERT
The supervisor in charge will ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the child:
   1. The child's identity, age and description
   2. Photograph if available
   3. The suspect's identity, age and description, if known
   4. Pertinent vehicle description
   5. Detail regarding location of incident, direction of travel, potential destinations, if known
   6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
   7. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

(c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETs).

(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).

(f) The following resources should be considered as circumstances dictate:
   1. The local FBI office
2. National Center for Missing and Exploited Children (NCMEC)

320.5 BLUE ALERTS
Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

320.5.1 CRITERIA FOR BLUE ALERTS
All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

(a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.

(b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.

(c) A detailed description of the suspect’s vehicle or license plate is available for broadcast.

(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

320.5.2 PROCEDURE FOR BLUE ALERT
The supervisor in charge should ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
   1. The license number and/or any other available description or photograph of the vehicle
   2. Photograph, description and/or identification of the suspect
   3. The suspect’s identity, age and description, if known
   4. Detail regarding location of incident, direction of travel, potential destinations, if known
   5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
   6. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.

(c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
Public Alerts

(d) The following resources should be considered as circumstances dictate:
   1. Entry into the California Law Enforcement Telecommunication System (CLETS)
   2. The FBI local office

320.6 SILVER ALERTS
Silver Alerts® is an emergency notification system for people who are 65 years of age or older and have been reported missing.

320.6.1 CRITERIA FOR SILVER ALERTS
All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):
   (a) The missing person is 65 years of age or older.
   (b) The department has utilized all available local resources.
   (c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
   (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
   (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

320.6.2 PROCEDURE FOR SILVER ALERT
Requests for a Silver Alert shall be made through the California Highway Patrol.

320.7 MUTUAL AID
The experiences of other law enforcement jurisdictions that have implemented similar plans indicate an AMBER Alert or Blue Alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department Emergency Communications Bureau facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Investigations Division Supervisor elects to use the services of the Sheriff's Department, the following will apply:
   (a) Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.
   (b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.
Public Alerts

(c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

The Richmond Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department Emergency Communications Bureau to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the Emergency Communications Bureau.
Victim and Witness Assistance

321.1 PURPOSE AND SCOPE
The Richmond Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. It is the goal of the Richmond Police Department to facilitate such assistance through available government and private resources. Employees should remain sensitive to the needs of victims and witnesses.

321.2 POLICY
The employees of the Richmond Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

321.3 CRIME VICTIM LIAISON
The Chief of Police has appointed a crime victim liaison, who is housed at the Richmond Police Department. The crime victim liaison is the point of contact for individuals requiring further assistance or information from the Richmond Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

321.3.1 SPECIFIC VICTIM LIAISON DUTIES
The crime victim liaison officer as liaison is affiliated with the County's Victim-Witness Assistance Program office. It shall be his/her responsibility to forward copies of police reports requested by the local victim centers to verify the criminal activity upon which the application for assistance is based. The liaison officer shall carry out the functions required by state law; and devise and implement written procedures to notify and provide the required compensation information. The Release of Records and Information Policy in this manual regarding the release of reports shall be followed in all cases (Government Code § 13962(b); 2 CCR 649.35; 2 CCR 649.36).

321.4 CRIME VICTIMS
Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

321.5 VICTIM INFORMATION
The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.
 Victim and Witness Assistance

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg; Penal Code § 13823.95(a)).

(d) An explanation that no victim of sexual assault shall be required to participate or agree to participate in the criminal justice system, either prior to examination or at any other time (Penal Code § 13823.95(b)).

(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

(g) Information regarding available compensation for qualifying victims of crime.

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(i) Notice regarding U-Visa and T-Visa application processes.

(j) Resources available for victims of identity theft.

(k) A place for the officer's name, badge number and any applicable case or incident number.

(l) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.05; Penal Code § 679.026).

321.6 WITNESSES
Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

321.7 VICTIM INDEMNIFICATION
Law enforcement agencies are charged with the responsibility of notifying the victims of violent crimes of their right to indemnification. For the purpose of indemnification by the State of California, the definition of victim shall include the following (Government Code, Section 13959 et seq.):

(a) A person who sustains injury or death as a direct result of a crime.

(b) A person legally dependent for support upon a person who sustains injury or death as a direct result of a crime.
(c) A family member or any person in close relationship to a victim who was present during the commission of the crime and whose treatment or presence during treatment of the victim is required for successful medical treatment.

(d) Any individual who legally assumes the obligation, or who voluntarily pays the medical or burial expenses incurred as a direct result of a death caused by a crime.

321.8 ADVISEMENT RESPONSIBILITY
Every employee reporting or investigating a crime where a victim has suffered direct or threatened physical, psychological or financial harm as a result of the commission or attempted commission of a crime or delinquent act will ensure the victim has been provided with information about the existence of the local victim centers. This may be accomplished by providing the victim the Marsy's Card with the case report number noted on the card (California Penal Code Section 679.026). A Victim of Violent Crime for should also be provided if the victim suffered an injury as a direct or proximate cause of that crime.

If for any reason the investigating employee is unable to complete the above notifications such fact shall be noted in the related case report and the notifications should be completed by the assigned detective.

The Records Supervisor is responsible for obtaining or publishing a Marsy's Card as described in California Penal Code Section 679.026 and making a sufficient supply of Marsy's Cards available to Richmond Police Department employees.

321.9 VICTIM INFORMATION AND NOTIFICATION
When appropriate, officers should advise the victim of the availability of the Victim Information and Notification Everyday (VINE) program. VINE is a free, computer-based telephone service that allows victims to check on an offender's custody status and register to receive automatic notification when an inmate is released from jail. The contact phone number for VINE is printed on the Richmond Police Department Victim Information card.
Rewards Program

322.1 INTRODUCTION
The Richmond Police Department's Reward Program is designed to encourage individuals to provide police officers with information on major crimes occurring in the City of Richmond that will help solve these crimes and bring offenders to justice. The Rewards Program exists to facilitate the rapid identification and arrest of criminal suspects who are responsible for committing major crimes in the community, to protect public health and safety, and to assist in the expeditious prosecution of offenders. The Rewards Program provides a secure means for members of the public to provide vital information to law enforcement.

322.1.1 POLICY
The Richmond Police Department offers a reward of up to $10,000 for information leading to the arrest and charging of persons responsible for homicides and other specifically designated major crimes occurring in the City of Richmond.

322.1.2 PROCEDURE
(a) The Rewards Program Manager will be the Investigations Division Lieutenant (or other manager designated by the Captain of the Administration Division) and will be assisted by the Department's Crime Prevention Manager. The Program Manager will review each claim for reward on a case by case basis;
(b) A reward of up to $10,000 will be offered on all unsolved homicide cases where criminal charges have not been filed. The specific amount of each reward will be decided on a case by case basis depending on various factors, such as the solvability of a given crime and the relative value of information supplied;
(c) Where two or more claims for rewards are submitted on the same case, the total reward will be distributed between claimants based on the discretion of the Program Manager with the concurrence of the Chief of Police;
(d) Once charges are filed, the Program Manager may pay up to 15% of the total reward on up to two occasions prior to the criminal court proceedings;
(e) All disputes involving any claim of reward shall be resolved by the Administration Division Captain with the concurrence of the Chief of Police;
(f) Pursuant to Federal and State law, all members of the public with the exception of police officers and City of Richmond employees are eligible to file a claim and collect rewards through this program.

322.1.3 CLAIMING AND COLLECTING REWARD
(a) Claim forms for rewards are available at the Richmond Police Department;
Rewards Program

(b) Completed claim forms may be filed with the Police Department’s Rewards Program Manager. Individual(s) filing a claim may be contacted during the investigation and may subsequently be required to testify in a court of law.
Hate Crimes

323.1 PURPOSE AND SCOPE
This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

323.2 DEFINITIONS
Hate crimes - Penal Code § 422.55(a) defines a hate crime as 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) Sex
(c) Nationality
(d) Race or ethnicity
(e) Religion
(f) Sexual orientation
(g) Association with a person or group with one or more of these actual or perceived characteristics
(h) Examples of hate crimes include, but are not limited to:

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

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 245).
323.3 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES
While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

(a) Officers should make an affirmative effort to establish contact with persons and groups within the community, who are likely targets of hate crimes, to form and cooperate with prevention and response networks.

(b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.

(c) Providing victim assistance and follow-up as outlined below, including community follow-up.

323.4 PROCEDURE FOR INVESTIGATING HATE CRIMES
Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practical.

(c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.

(d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. 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 (Penal Code § 422.93(b)).

(e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.

(f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift.

(g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.
(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 Penal Code § 136.2 or Civil Code § 52.1 as indicated).

323.4.1 INVESTIGATION SECTION RESPONSIBILITY
If a case is assigned to the Investigations Division, the assigned detective will be responsible for following up on the reported hate crime as follows:

(a) Coordinate further investigation with the District Attorney and other appropriate law enforcement agencies, as appropriate
(b) Maintain contact with the victim(s) and other involved individuals as needed
(c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Attorney General upon request pursuant to Penal Code § 13023

323.5 TRAINING
All members of this department will receive POST approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6.
Conduct

324.1 PURPOSE AND SCOPE
This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the member's supervisors.

This policy applies to all employees (full- and part-time), reserve officers and volunteers.

324.2 DISCIPLINE POLICY
The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee'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 employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

324.3 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 efficient department service:

324.3.1 ATTENDANCE
   (a) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
   (b) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
   (c) Members and employees shall report to duty at the time and place specified, properly uniformed and equipped. They shall give careful attention to orders and instructions. Members and employees who are tardy for duty shall be subject to the following actions:
       1. First Tardy Documented Warning and Counseling
       2. Second Tardy Letter of Instruction (Non-Discipline)
       3. Third Tardy Summary Reprimand
       4. Fourth Tardy Division Letter of Reprimand
Conduct

5. Fifth Tardy Chief's Letter of Reprimand

6. Sixth Tardy One Day Suspension

Each tardy after six (6) incidents shall subject the member, or employee, to additional discipline, up to and including termination. Tardiness shall be based on consecutive incidents without regard to the calendar year or performance evaluation period. Members or employees who have been tardy for six (6) consecutive times shall remain at that step without regard to future tardiness intervals. Although actions shall be progressive in nature, under compelling circumstances, the Chief of Police may waive any of the steps to impose a different action than specified.

Every member or employee who fails to appear for duty at the time, date and place specified for so doing without the consent of competent authority is "Absent Without Leave." Absences without leave in excess of one (1) day must be reported immediately by the appropriate supervisor in writing to the Chief of Police. Members and employees shall not feign illness or injury, false report themselves ill, or otherwise attempt to deceive the Department as to the condition of their health.

324.3.2 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 department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

(d) Engaging in 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 employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.

(g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.

(h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without
the express authorization of the Chief of Police or a designee may result in discipline under this policy.

(j) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Chief of Police.

(k) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(l) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

(m) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

(n) 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.

(o) 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.

(p) The falsification of any work-related 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.

(q) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.

(r) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.

(s) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).

(t) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

(u) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.
Conduct

(v) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.

(w) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.

(x) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.

(y) Offer or acceptance of a bribe or gratuity.

(z) Misappropriation or misuse of public funds.

(aa) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(ab) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of an officer’s official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(ac) 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 employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.

(ad) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.

(ae) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.

#af) Violating any misdemeanor or felony statute.

(ag) Any other on-duty or off-duty conduct which any employee 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.
Conduct

(a) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(ii) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.

(jj) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(kk) Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(ll) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.

(mm) Unauthorized sleeping during on-duty time or assignments.

324.3.3 DISCRIMINATION

(a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

324.3.4 INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee’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 or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee 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 employee’s ability to perform assigned duties

(d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site

324.3.5 PERFORMANCE

(a) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

(c) Any failure of an employee to properly perform the function and duties of an assigned position.

(d) Failure to maintain required and current licenses (e.g., driver's license) and certifications (e.g., first aid).

324.3.6 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 employee record of unsafe or improper driving habits or actions in the course of employment.

(d) Failure to maintain good physical condition sufficient to adequately and safely 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.

(f) Violating departmental safety standards or safe working practices.

324.3.7 SECURITY

(a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports

324.3.8 SUPERVISION RESPONSIBILITY

(a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws

(b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy

(c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose
324.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS
Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020. Pursuant to Government Code §§ 3304(d) and 3508.1, the investigation should be completed within one year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

324.5 POST INVESTIGATION PROCEDURES

324.5.1 BUREAU COMMANDER RESPONSIBILITIES
Upon receipt of any completed personnel investigation, the Division Commander of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

(a) Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned detective or supervisor for further investigation or action

(b) When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference

324.5.2 RESPONSIBILITIES OF THE CHIEF OF POLICE
Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials.

The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, to be recommended.

In the event disciplinary action is recommended, the Chief of Police shall provide the employee with written (Skelly) notice of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or Government Code § 3508.1):

(a) Specific charges set forth in separate counts, describing the conduct underlying each count.

(b) A separate recommendation of proposed discipline for each charge.

(c) A statement that the employee has been provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
Conduct

(d) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the Skelly notice.

1. Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.

2. If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

324.6 EMPLOYEE RESPONSE
The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) This Skelly response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the Skelly response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

(f) Once the employee has completed his/her Skelly response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. Once the Chief of Police determines that discipline will be imposed, a timely written decision shall be provided to the employee within 30 days, imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination and the process to receive all remaining fringe and retirement benefits.

(g) Once the Chief of Police has issued a written decision, the discipline shall become effective.
Conduct

324.7 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.

324.8 POST SKELLY PROCEDURE
In situations resulting in the imposition of a suspension, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Chief of Police's imposition of discipline pursuant to the operative Memorandum of Understanding (MOU) and personnel rules.

324.9 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 the Skelly procedure 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 Government Code § 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 or procedure, however, 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 his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file

(g) In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police
Department Computer Use

325.1 PURPOSE AND SCOPE
This policy describes the use of department computers, software and systems.

325.1.1 PRIVACY POLICY
Any employee utilizing any computer, electronic storage device or media, Internet service, phone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such service.

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

Computer System - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the Richmond Police Department, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

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.

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, whether temporarily or permanently, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

325.3 SYSTEM INSPECTION OR REVIEW
An employee's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee’s supervisor, or during the course of regular duties requiring such information, a member(s) of the agency's information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.
Reasons for inspection or review may include, but are not limited to system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee, or related to the employee's duties, an alleged or suspected violation of a department policy, or a need to perform or provide a service when the employee is unavailable.

325.4 AGENCY PROPERTY
All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, 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 an employee's supervisor.

325.5 UNAUTHORIZED USE OF SOFTWARE
Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Any files or software that an employee finds necessary to upload onto a department computer or network shall be done so only with the approval of the department IT specialist and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the agency and involved employees to severe civil and criminal penalties.

325.6 PROHIBITED AND INAPPROPRIATE USE
Access to department technology resources including Internet access provided by or through the Department shall be strictly limited to department-related business activities. Data stored on, or available through department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department business related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related Web sites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files, which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.
Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

325.7 PROTECTION OF AGENCY SYSTEMS AND FILES
All employees 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.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.
Report Preparation

326.1 PURPOSE AND SCOPE
Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

326.1.1 REPORT PREPARATION
Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

326.2 REQUIRED REPORTING
Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

326.2.1 CRIMINAL ACTIVITY REPORTING
When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

(a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report

(b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a report, the incident will be recorded on the dispatcher's log

(c) In every case where any force is used against any person by police personnel
(d) All incidents involving domestic violence
(e) All arrests

326.2.2 NON-CRIMINAL ACTIVITY
The following incidents shall be documented using the appropriate approved report:

(a) Anytime an officer points a firearm at any person
(b) Any use of force against any person by a member of this department (see the Use of Force Policy)
(c) Any firearm discharge (see the Firearms and Qualification Policy)
(d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy)
(e) Any found property or found evidence
(f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
(h) All protective custody detentions
(i) Suspicious incidents that may place the public or others at risk
(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

326.2.3 DEATH CASES
Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 360 Death Investigations. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths.
(b) Suicides.
(c) Homicide or suspected homicide.
(d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
(e) Found dead bodies or body parts.
326.2.4 INJURY OR DAMAGE BY CITY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

326.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this department shall require a report when:

(a) The injury is a result of drug overdose
(b) Attempted suicide
(c) The injury is major/serious, whereas death could result
(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

326.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES
A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Section shall notify the California State Department of Health Services of the incident, including the nature of the injury, on a form provided by the state. Forms may be obtained from DHS Epidemiology and Prevention for Injury Control (EPIC) Branch, Tel: (910) 552-9849 (Penal Code § 23685).

326.3 GENERAL POLICY OF EXPEDITIOUS REPORTING
In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

326.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

326.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

326.4 REPORT CORRECTIONS
Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection.
Report Preparation

The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner. The Watch Commander will ultimately route the corrected report.

326.5 REPORT CHANGES OR ALTERATIONS
Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

326.6 ELECTRONIC SIGNATURES
The Richmond Police Department has established an electronic signature procedure for use by all employees of the Richmond Police Department. The Patrol Division Lieutenant shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

326.7 SATELLITE REPORT WRITING MANUAL
The Richmond Police Department has established a Satellite Report Writing Manual for use by all personnel. By authority of this section, the Satellite Report Writing Manual is established.
News Media Relations

327.1 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.

327.2 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, Watch Commanders and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

327.2.1 MEDIA REQUEST
Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative;

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

(c) Under no circumstance should any member of this 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.

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

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

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should
be coordinated through the department Public Information Officer or other designated spokesperson.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR § 91.137).

(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).

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

327.4 SCOPE OF INFORMATION SUBJECT TO RELEASE
The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Watch Commander. This log will generally contain the following information:

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

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

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

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of a competent court.

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

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.
Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

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

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

(b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012)

(c) Criminal history information

(d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(e) Information pertaining to pending litigation involving this department

(f) Information obtained in confidence

(g) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).
Court Appearance And Subpoenas

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

328.1.1 DEFINITIONS
On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Standby - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

328.2 COURT SUBPOENAS
Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

328.2.1 SERVICE OF SUBPOENA
Service of a subpoena requiring the appearance of any department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee or by delivery of two copies of the subpoena on the employee's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to this department.

328.2.2 VALID SUBPOENAS
No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.
328.2.3 ACCEPTANCE OF SUBPOENA

(a) Only the employee named in a subpoena, his/her immediate supervisor or the department subpoena clerk shall be authorized to accept service of a subpoena. (Penal Code § 1328(c)). Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the department subpoena clerk. The subpoena clerk shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee.

(b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.

(c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the subpoena clerk as well as a copy to the individually named employee.

328.2.4 REFUSAL OF SUBPOENA

Except where previous arrangements with the issuing court exist, department mandated training, and pre-scheduled vacation are the only valid reasons to refuse a subpoena or miss court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one hour before the appointed date and time, inform the subpoena clerk or the Watch Commander of his/her absence. It shall then be the responsibility of the subpoena clerk to notify the issuing authority of the employee’s unavailability to appear.

If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service (Penal Code § 1328(e)).

If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

328.2.5 COURT STANDBY

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.
If an employee on standby changes his/her location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

328.2.6 OFF-DUTY RELATED SUBPOENAS
Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Richmond Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

328.2.7 FAILURE TO APPEAR
Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

328.3 CIVIL SUBPOENAS
The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee’s official duties as directed by the current Memorandum of Understanding. In such situations, the Department will also reimburse any officer for reasonable and necessary travel expenses.

The Department will receive reimbursement for the officer’s compensation through the civil attorney of record who subpoenaed the officer.

328.3.1 PROCEDURE
To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

328.3.2 CIVIL SUBPOENA ACCEPTANCE
Subpoenas shall not be accepted in a civil action in which the officer or Department is not a party without properly posted fees pursuant to Government Code § 68097.6.

328.3.3 PARTY MUST DEPOSIT FUNDS
The party in the civil action that seeks to subpoena an officer must deposit the statutory fee of $275 (Government Code § 68097.2) for each appearance before such subpoena will be accepted. Parties seeking to have the officer make multiple appearances must make an additional deposit in advance.

328.4 OVERTIME APPEARANCES
If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Memorandum of Understanding.
328.5 COURTROOM PROTOCOL
Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

328.5.1 PREPARATION FOR TESTIMONY
Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

328.5.2 COURTROOM ATTIRE
Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

328.6 COURTHOUSE DECORUM
Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

328.7 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.
Reserve Officers

329.1 PURPOSE AND SCOPE
The Richmond 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 regular staffing levels.

329.2 SELECTION & APPOINTMENT OF POLICE RESERVE OFFICERS/DEPUTIES
The Richmond Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

329.2.1 PROCEDURE
All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a POST approved basic academy or extended basic academy.

329.2.2 APPOINTMENT
Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police 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.

329.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS
Compensation for reserve officers is provided as follows:

(a) All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation. Reserves shall receive a yearly uniform allowance equal to that of regular officers.

(b) Reserve Officers who are subpoenaed to court requiring an appearance that takes them away from their job shall be reimbursed as follows:

1. Municipal Court A.M. Appearance: Three (3) hours pay at step 4 RPD Police Officer rate.
2. Municipal Court P.M. Appearance: Three (3) hours pay at step 4 RPD Police Officer rate.
3. Superior Court Appearance: Four (4) hours pay at step 4 RPD Police Officer rate.

329.3 DUTIES OF RESERVE OFFICERS
Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Patrol
Reserve Officers

Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.

329.3.1 POLICY COMPLIANCE
Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

329.3.2 RESERVE OFFICER ASSIGNMENTS
All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

(a) Level I sworn Reserve Officers may be assigned to work as solo units as well as units consisting of two (2) Level I Reserve Officers. While Level I Reserve Officers will serve primarily as cover units in the Patrol Division, they may be assigned other duties in line with their knowledge, training and abilities. They may be assigned law enforcement duties including but not limited to:

1. General Patrol
2. Firearms Instruction
3. Entry Teams
4. Special Weapons and Tactics
5. Domestic Anti-terrorism
6. Marine patrol
7. Bicycle patrol
8. Investigation Section
9. Administration
10. Traffic
11. Motorcycles
12. Dirt Bikes

(b) Level II Reserve Officers may perform general law enforcement duties under the immediate supervision of a regular sworn Officer who possesses a P.O.S.T. certificate. Level II Reserve Officers may be assigned to prepare police reports and write traffic citations under the direction of a certified regular Officer and with supervisory approval.

Level II Officers are required to successfully complete a P.O.S.T. approved defensive driving course prior to operating a police vehicle. Level II Reserve Officers may then operate a marked
patrol vehicle but only when under the immediate supervision of a P.O.S.T. certified regular sworn
Officer.

The above Level II Reserve Officer supervisory provisions shall continue to apply unless special
authorization is received that relieves the immediate supervision requirement. Reserve Officers
certified as Level II may with prior authorization of the Reserve Coordinator and with approval of
the Division Commander be relieved of the immediate supervision requirement. In the absence
of the Reserve Coordinator and the Division Commander, the Watch Commander may grant this
special authorization. The special authorization will be for specific purposes and duration.

With such special authorization, Level II Reserve Officers may work limited unsupervised support
duties that include:

- Traffic Control
- Security at parades and sporting events
- Report Writing
- Evidence Transportation
- Parking Enforcement
- Prisoner Transportation
- Other duties that are not likely to result in physical arrests

329.3.3 RESERVE COORDINATOR
The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program
to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

(a) Assignment of reserve personnel
(b) Conducting reserve meetings
(c) Establishing and maintaining a reserve call-out roster
(d) Maintaining and ensuring performance evaluations are completed
(e) Monitoring individual reserve officer performance
(f) Monitoring overall Reserve Program
(g) Maintaining liaison with other agency Reserve Coordinators

329.4 FIELD TRAINING
Penal Code § 832.6(a)(2) requires Level I reserve officers, who have not been released from the
immediate supervision requirement per Policy Manual § 350.4.7, to work under the immediate
supervision of a peace officer who possesses a Basic POST Certificate.
329.4.1 TRAINING OFFICERS
Officers of this department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Watch Commander approval.

329.4.2 PRIMARY TRAINING OFFICER
Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Police Training Officer (PTO) Committee. The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

329.4.3 FIELD TRAINING MANUAL
Each new reserve officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Richmond Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

329.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE
At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

329.4.5 SECONDARY TRAINING PHASE
The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with his/her primary training officer. The reserve officer may now ride with any officer designated by the Watch Commander.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

329.4.6 THIRD TRAINING PHASE
Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/
her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

329.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS
When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

329.5 SUPERVISION OF RESERVE OFFICERS
Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6(a)(2)). The immediate supervision requirement shall also continue for reserve officers who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Division Commander.

329.5.1 SPECIAL AUTHORIZATION REQUIREMENTS
Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the "immediate supervision" requirement. Level I reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, the Watch Commander may assign a certified Level I reserve officer to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

329.5.2 RESERVE OFFICER MEETINGS
All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

329.5.3 IDENTIFICATION OF RESERVE OFFICERS
All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer with the exception that "Reserve" will be printed on the badge. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

329.5.4 UNIFORM
Reserve officers shall conform to all uniform regulation and appearance standards of this department.
329.5.5 INVESTIGATIONS AND COMPLAINTS
If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol Division Commander.

Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

329.5.6 RESERVE OFFICER EVALUATIONS
While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

329.6 FIREARMS REQUIREMENTS
Penal Code § 830.6(a)(1) designates a reserve officer as having peace officer powers during his/her assigned tour of duty, provided the reserve officer qualifies or falls within the provisions of Penal Code § 832.6.

329.6.1 CARRYING WEAPON ON DUTY
Penal Code § 830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on-duty. It is the policy of this department to allow reserves to carry firearms only while on-duty or to and from duty.

329.6.2 CONCEALED FIREARMS PROHIBITED
No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

When a reserve officer has satisfactorily completed all three phases of training (as outlined in Policy Manual § 350.4), he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Chief of Police with input from the Reserve
Reserve Officers

Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve officer's qualification will be individually judged. A reserve officer's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve officer remains in good standing with the Richmond Police Department Reserve Officer Program.

329.6.3 RESERVE OFFICER FIREARM TRAINING
All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

(a) All reserve officers are required to qualify at least every other month
(b) Reserve officers may fire at the department approved range at least once each month and more often with the approval of the Reserve Coordinator
(c) Should a reserve officer fail to qualify over a two-month period, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

329.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL
The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

329.7.1 SEPARATION FROM RESERVE PROGRAM
Upon honorable separation from the Richmond Police Reserve Program, consideration will be given for a Letter of Commendation regarding their service to the Richmond Police Department.
Mutual Aid and Outside Agency Assistance

330.1 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.

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.

330.1.1 ASSISTING OUTSIDE AGENCIES
Generally, calls for assistance from other agencies are routed to the Watch Commander's office for approval. When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, a case number will be issued to report action taken by Richmond Police Department Personnel. Probation violators temporarily detained by this department will not ordinarily be booked at this department.

330.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES
If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting officer should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.
Language Access Services for Limited English Proficient (LEP) Persons

331.1 PURPOSE AND SCOPE
The purpose of this policy is to establish language access procedures, consistent with federal, state and local law, for Richmond Police Department members to follow when encountering a limited English proficient (LEP) person.

331.2 POLICY
It is the policy of the Richmond Police Department to take reasonable steps to ensure timely and accurate communication and access to all individuals regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964 Sec. 601, 42 USC 2000d). When performing law enforcement functions, members shall provide free language assistance to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. The Richmond Police Department recognizes the importance of effective and accurate communication between its members and the diverse community it serves. It is the policy of this department to inform members of the public that language assistance services are available free of charge to LEP persons and that the Department will provide these services to them as part of the department’s community policing and enforcement efforts.

331.3 DEFINITIONS
(a) PRIMARY LANGUAGE: The language in which an individual is most effectively able to communicate.

(b) LIMITED ENGLISH PROFICIENT (LEP) PERSON: Individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP designations are context-specific: an individual may possess sufficient English Language skills to function in one setting, but may find these skills are insufficient in other situations. Additionally, LEP individuals may be competent in certain types of communication (e.g. speaking or understanding), but still LEP for other purposes (e.g. reading or writing).

(c) 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.

(d) TRANSLATION: The replacement of written text from one language (source language) into an equivalent written text into another language (target language).

(e) QUALIFIED BILINGUAL MEMBER: For purposes of this order, Department members who identify themselves as “bilingual” must demonstrate, through a formal testing/evaluation process which has been established by the City’s Human Resources Department, competency to communicate in the source language by demonstrating the ability to listen to a communication in one language (source language) and orally convert it to another language (target language) while retaining the same meaning.
Language Access Services for Limited English Proficient (LEP) Persons

The Department will provide all members with training in interpreting techniques, roles, and ethics so that they may understand and follow confidentiality and impartiality rules for interpreters.

(f) QUALIFIED CIVILIAN INTERPRETER: A Qualified Civilian Interpreter is an individual who has been certified by the City or other designated qualifying agency. A Qualified Civilian Interpreter may be an employee of another city department or an outside agency contracted to provide language interpretation services to the Department. The Department may contract with outside agencies to provide in person as well as telephonic interpretation services as needed.

(g) BILINGUAL ADVOCATE: A Bilingual Advocate is an individual who assists victims by conducting services in one language and is not necessarily a conduit or neutral party. A bilingual advocate may not have the skills to interpret, or be protected by privilege.

(h) EXIGENT CIRCUMSTANCES: Exigent circumstances are defined as situations that require deviation from procedures, such as a threat to life, safety, or property, a fleeing suspect, or the potential loss or destruction of evidence. (e.g., physical loss of property, witness or victim.)

(i) VITAL DOCUMENT: A document will be considered vital and need to be translated if it contains information critical for obtaining access to court or it is required by law. Some examples of vital documents that courts may need to translate to ensure that LEP individuals are provided meaningful access can include applications, court forms, consent or complaint forms, notices of rights, and letters or notices that require a response.

331.4 PROCEDURES

(a) Personnel shall inform LEP individuals of available free interpretation and translation services and arrange for same when requested or when the employee believes that the service will improve gathering or providing accurate information.

(b) Police building public access shall have signs posted in the primary LEP language at each public access point or lobby stating that interpreters are available free of charge to LEP individuals.

(c) Personnel shall not make assumptions about a person’s primary language based upon country of origin, as the person may speak another language other than the primary language of that country.

(d) When known, Dispatch should inform personnel of the language needed.

(e) Qualified Bilingual personnel responding to requests for language assistance will confer with the responding officer whether continuing information gathering will be done 1) through interpretation where the Qualified Bilingual members is a conduit or 2) the Qualified Bilingual member will proceed in one language.

331.5 LANGUAGE IDENTIFICATION

(a) Qualified Bilingual personnel responding to requests for language assistance will confer with the responding officer whether continuing information gathering will be
done 1) through interpretation where the Qualified Bilingual members is a conduit or
2) the Qualified Bilingual member will proceed in one language.

(b) Department personnel should display the language identification card to the LEP person so the person can identify the language they speak prior to calling a qualified bilingual member, or professional interpretation service. Personnel should then request the appropriate interpreter.

(c) If the LEP person does not appear able to read or understand the language identification card, personnel should call the professional interpretation service and advise the service of the situation. With assistance from the language service interpreter, personnel should attempt to ascertain the LEP individual's language in order to obtain a suitable interpreter.

(d) In an emergency and with officer’s discretion, language can also be identified by asking a neighbor, family member, friend, or neutral individual.

331.6 FOUR FACTOR ANALYSIS
The Four Factor Analysis is used to determine how the Department will determine measures that will provide reasonable and meaningful access to a various rights, obligations, services, and programs to everyone. Given that law enforcement contacts and circumstances will vary considerably, the analysis must remain flexible and requires ongoing balances of the following four factors:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department personnel 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 department personnel, programs or services;

(c) The nature and importance of the contact, program, information or service provided;

(d) The cost of providing LEP assistance and the resources available.

331.7 TYPES OF LEP ASSISTANCE AVAILABLE
The Department will post multilingual information in the front desk area informing walk-ins that free interpretation is provided.

(a) Qualified Bilingual Members

(b) Telephone Interpreter Services - All officers will have Language Line access on cell phones and desk phones:
   1. Dial 866-874-3972, Enter the PIN: [101178].
   2. Press the applicable number for the required language (an automated operator will list all options).
   3. You will be on hold while they contact an interpreter. This usually does not take very long, depending on the language needed.
4. Request the language needed for interpretation. You will be connected to an interpreter within seconds. If you do not know which language to request say, ”Help” and you will be automatically transferred to a representative trained to help in language identification.

5. Record the interpreter ID number.

6. Brief the interpreter with the following information: your name, the name of your agency, the name of the person needing interpretation, summarize the purpose of the call, what you wish to accomplish, and any special instructions.

7. When using the Language Line, officers should be aware of confidentiality, privacy, and extraneous noise when using the speakerphone capability.

331.8 COMMUNITY VOLUNTEERS
Community volunteers should be screened for neutrality and for language skill and should be used if Qualified Bilingual Members or Qualified Civilian Interpreters are not available. Community volunteers will include other community organizations and bilingual individuals who are not qualified civilian interpreters or qualified members.

331.9 USE OF FAMILY MEMBERS AND CHILDREN AS INTERPRETERS
(a) Department personnel should not use family members, neighbors, friends, volunteers, bystanders or children to interpret for a LEP person unless exigent circumstances exist and a more reliable interpreter is not available; especially for communications involving witnesses, victim and potential suspects, or in investigations, collection of evidence, negotiations or other sensitive situations.

(b) If an exigent circumstance requires Department personnel to use family members, neighbors, friends, volunteers, bystanders or children for initial language assistance, the member shall seek the assistance of a Qualified Bilingual Member, Qualified Civilian Interpreter, or other professional interpreter to confirm or supplement the initial translation or interpretation as soon as practical. Beyond emergency and exigent circumstances, officers should refrain from using family members and children to act as interpreters.

331.10 THIRD PARTY BILINGUAL INDIVIDUALS RENDERING ASSISTANCE
When neither a Qualified Bilingual Member or Qualified Civilian Interpreter is available, Department personnel may be forced to use a third party available at the scene. It is best practice to assess their neutrality and language skill. Examples of qualifying questions include:

“How do you know the witness/victim/party here?”

“How did you learn English/target language?”
331.11 ORDER OF PREFERENCE
Members shall provide oral interpretation services to LEP persons they encounter in the following order of preference unless deviations are required to respond to exigent circumstances.

(a) Direct Communication by Qualified Bilingual Member: The preferred method of providing services to LEP persons is through the use of Qualified Bilingual personnel. Qualified Bilingual personnel will conduct services in monolingual communication or be asked to interpret. When interpreting, Qualified Bilingual personnel should adhere to interpreter principles as strictly as possible.

(b) Use of Qualified Civilian Interpreter: When Qualified Bilingual personnel are unavailable, members shall use a Qualified Civilian Interpreter or a professional interpreter to provide in person interpretation services.

(c) Use of Bilingual Advocate: Bilingual advocates can also assist in providing monolingual services for victims and Department personnel. Department personnel also have the option of using Department bilingual advocates trained in interpretation to provide interpretation services. Personnel should be aware that using a bilingual advocate may violate interpreter ethics such as neutrality and accuracy. This plan does NOT cover STAND! advocates; it covers only advocates working for the police department.

(d) Telephone Interpreter: When qualified interpreters are not available to provide service in person, Department personnel may utilize Language Line or Qualified Civilian Interpreter to provide interpretation services by telephone.

(e) Officers should take reasonable steps to insure that the qualified interpreter does not know any of the parties.

331.12 CUSTODIAL INTERROGATIONS AND BOOKINGS
Qualified Bilingual personnel or a Qualified Civilian Interpreter shall be used for any custodial interrogation or taking of a formal statement where the suspect or witness’ legal rights could be adversely impacted. The preferred method for interviewing a LEP individual is direct communication. When a Qualified Bilingual Member is not available to directly communicate with a LEP individual, a Qualified Civilian Interpreter shall be provided. The following procedures shall be utilized in custodial interrogations:

(a) Contact a Qualified Bilingual Member or Qualified Civilian Interpreter to appear in person, unless unavailable, impractical, or exigent circumstance(s) exist. In these instances, the use of an interpreter via telephone is an acceptable alternative.

(b) Miranda admonitions and all other written forms and notices shall be provided to the suspect in his or her primary language when available. In the case of forms that have not been translated into the LEP person’s primary language or in the case of illiteracy, forms shall be read to the individual, by the Qualified Bilingual Member or Qualified Civilian Interpreter, in his or her primary language.
331.13 LEP CONTACT SITUATIONS AND REPORTING
Whenever any member of this department is required to complete a report or other documentation and interpretation or translation services are provided to any involved LEP individual, the report should include:

(a) Language needed for interpretation
(b) Name of the interpreter or ID number (if using Language Line)
(c) Type of oral services provided
(d) Relation of the interpreter to the LEP individual
(e) Qualifying questions asked

331.14 COMPLAINTS
(a) Department personnel should report any complaints against a Qualified Bilingual Member, Qualified Civilian Interpreter, and/or Telephonic Interpreter through the chain of command.
(b) Department personnel should record the name or ID number, date of incident, language, type of oral services provided, and a brief description of the complaint.
(c) Complaints should be submitted to the Language Access Coordinator.

331.15 LANGUAGE ACCESS MONITORING AND TRAINING
The Compliance Lieutenant shall be responsible for serving as the Department’s LEP coordinator. The Coordinator’s duties include, but are not limited to:

(a) Tracking and analyzing the needs of LEP population served by the Department,
(b) Monitoring compliance with federal, state and local ordinances,
(c) Coordinating language access training,
(d) Ensuring Bilingual Members are assessed for language skills,
(e) Coordinate interpreter training for qualified bilingual members and employees,
(f) Coordinating telephonic and 3rd party interpreter services,
(g) Overseeing LEP data collection,
(h) Updating the Language Access Plan to include updated contacts, resources, and procedures, and
(i) Responding and advising on procedures regarding interpreter complaints or language access complaints.

331.16 INTERPRETER CODE OF CONDUCT
(a) Confidentiality: All information gained by the interpreter in the course of her/his duties shall remain strictly confidential. This information shall not be communicated, published or in any way divulged to any organization or person, other than the
organization or person engaging the services of the interpreter. Interpreters are bound to keep legally protected, privileged communications between attorney-client, doctor-patient, and advocate-client confidential.

(b) **Accuracy and Completeness:** The interpreter shall render, to the best of her/his ability, a complete and accurate interpretation without altering or omitting anything that is stated. The rendition should sound natural in the target language, and there should be no distortion of the original message through addition or omission, explanation or paraphrasing. All hedges, false starts and repetitions should be conveyed; also, English words mixed into the other language should be retained, as should culturally-bound terms which have no direct equivalent in English, or which may have more than one meaning. The register, style and tone of the source language should be conserved. For example, “Were you raped, forced to have sex against your will?” This question cannot be interpreted with words that are considered to be culturally sensitive (“Did he force you to go with him?”) because the interpreter finds it culturally inappropriate or disrespectful to bring up embarrassing material in such blunt language. The interpreter shall not add to what is said nor provide unsolicited explanation. Paraphrasing of speech or written phrases shall not be conducted. All statements, even if they are incoherent, rambling, obscene, etc., must be interpreted. Guessing should be avoided. Interpreters who do not hear or understand what a speaker has said should seek clarification. The interpreter should use the 3rd person when s/he speaks, e.g., to seek clarification (“The interpreter requests that....”).

(c) **Non-Judgment and Impartiality:** The interpreter shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. She/he shall not allow personal opinions to interfere with her/his duties nor add unsolicited comments or make recommendations except to assist communication. The interpreter shall confine him/herself to the role of interpreting and shall generally consider herself or himself a “conduit,” passing accurately interpreted/translated information from one language to another. The interpreter shall not act as an advocate for either party in an interpreted conversation.

(d) **Conflict of Interest:** The interpreter shall disclose any real or perceived conflict of interest. She/he shall not take personal advantage, financial or otherwise, of information obtained in the course of her/his work. For example, a clan leader expects family conflicts to be negotiated by the clan council and pressures a victim in his role as interpreter not to cooperate on the charges. If there is a conflict of interest, then another interpreter is needed.

(e) **Disqualification and Impediments:** The interpreter shall, at all times, assess her/his ability to maintain the Department’s highest standards for professional interpretation. She/he shall immediately convey any reservations about her/his ability to successfully complete the assignment. The interpreter shall decline any assignment she/he believes to be beyond her/his technical knowledge or linguistic ability.

(f) **Personal Courtesy:** The interpreter shall maintain a professional demeanor, be courteous and use the tone of voice appropriate to the situation. The Interpreter shall defer to instructions from the Department. That said, in matters of sexual violence, interpreters shall not hesitate to use sexually explicit terms because they are concerned that they might be culturally insensitive, nor shall they substitute colloquial
expressions. Such hesitation or substitution demonstrates inaccurate interpretation, not cultural competency or personal courtesy on the part of the interpreter.

(g) Personal Development: The interpreter shall continue to improve her/his skills and knowledge through activities such as training or education and interaction with colleagues and specialists in related fields.

(h) Security: The Interpreter shall never contact Immigration and Customs Enforcement (ICE), Citizenship and Immigration Services (CIS) or Customs and Border Patrol (CBP) to verify a person's immigration status.

(i) Accurate Representation of Credentials: Interpreters and translators shall accurately represent their certifications, accreditations, training and pertinent experience.

(j) High Standards of Conduct: The interpreter shall maintain professional conduct at all times. The interpreter shall speak in a clear voice, while maintaining professional decorum and objectivity.
Megan's Law

332.1 PURPOSE AND SCOPE
The purpose of this policy is to establish a procedure for the registration of offenders pursuant to 290 PC (Sex Offenses), 11590 H&S (Narcotic Offenses), and 457.1 PC (Arson Offenses). This policy also establishes a procedure for dissemination of information regarding certain registered sex offenders under California's Megan's Law. (California Penal Code Section 290 and 290.4). It is the policy of this Department to facilitate public access to information allowed by legislation on serious and high-risk sex offenders.

332.2 POLICY
The California Department of Justice has categorized each registered sex offender as either serious, high risk or other. Megan's Law only permits public disclosure of certain information regarding serious and high-risk sex offenders. The Department may determine the current classification of any registered sex offender by accessing the website maintained by the Department of Justice (DOJ), CLETS (Violent crime Information Network/Supervised Release File), or by contacting DOJ directly.

332.2.1 SERIOUS SEX OFFENDERS
Serious sex offenders are those individuals who have been convicted of at least one sex offense set forth in Penal Code Section 290.4(a)(1) and who have currently been identified by DOJ as serious sex offenders. This group generally includes those convicted of felony sex offenses or child molestation.

332.2.2 HIGH RISK SEX OFFENDERS
High-risk sex offenders are serious sex offenders who have been separately convicted of multiple sex offenses as defined in Penal Code Section 290(n)(1)(A) and who have currently been identified by DOJ as high-risk offenders.

332.2.3 OTHER REGISTERED SEX OFFENDERS
All other registered sex offenders will fall into the "other" category. This will generally include misdemeanor sex crimes (other than child molestation). Information on these individuals may not be released to the public under Megan’s Law.

332.3 REGISTRATION
The Investigations Division Supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.
Megan’s Law

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

332.3.1 CONTENTS OF REGISTRATION
The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph and any other information required by applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq.).

332.4 MONITORING OF REGISTERED OFFENDERS
The Investigations Division Supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.
(b) Review of information on the California DOJ website for sex offenders.
(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

The Investigations Division Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Richmond Police Department personnel, including timely updates regarding new or relocated registrants.

332.5 DISSEMINATION OF PUBLIC INFORMATION
Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Richmond Police Department's website.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1; Health and Safety Code § 11594), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.
332.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY
California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the Internet website, to be released to a campus community (Penal Code § 290.01(d)):

(a) The offender's full name
(b) The offender's known aliases
(c) The offender's sex
(d) The offender's race
(e) The offender's physical description
(f) The offender's photograph
(g) The offender's date of birth
(h) Crimes resulting in the registration of the offender under Penal Code § 290
(i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

332.5.2 RELEASE NOTIFICATIONS
Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
(b) The information is provided as a public service and may not be current or accurate.
(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
(d) The crime for which a person is convicted may not accurately reflect the level of risk.
(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
(f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

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

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

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

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

332.5.6 INFORMATION PERMITTED FOR INTERNET RELEASE
For those offenders listed in Penal Code Section 290.46(c)(2) and (d)(2), the following information may be included on the department Internet Web site:

(a) The offender's full name.
(b) The offender's known aliases.
(c) The offender's gender.
(d) The offender's race.
(e) The offender's physical description.
(f) The offender's photograph.
(g) The offender's date of birth.
(h) Crimes resulting in the registration of the offender under Penal Code Section 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.
(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.
Megan’s Law

6. The offender's enrollment, employment, or vocational status with any university, college, community college, or other institution of higher learning.

For those offenders listed in Penal Code Section 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.

332.6 REGISTRATION OF CERTAIN OFFENDERS

332.6.1 REGISTRATION UNIT - DOCUMENTATION PROCEDURES
The Registration Unit (RU) will be responsible for registering known offenders, including, but not necessarily limited to, 11590 H&S, 290 PC, and 457 PC registrants; maintaining the documentation files used during the interview process, entering information into RMS; maintaining hazard or alert files on RMS; monitoring parolees moving into Richmond, and/or parolees who subsequently become wanted by the Department of Corrections, distributing informational Bulletins when appropriate; and directing copies of crime reports involving supervised parolees/probationers to the respective Parole/Probation Office.

332.6.2 REGISTERING KNOWN OFFENDERS
Parole/Probation documentation shall be made primarily to those who are ordered to report, and secondarily to those whom we chose to monitor because of the nature of their commitment offense:

(a) 11590 H&S registrant
(b) 290 PC registrant
(c) 457 PC registrant
(d) Parole Documentation
(e) California Youth Authority
(f) County Parole
(g) Home Detention
(h) Career Criminal Qualified

Documentation shall be conducted on Tuesday, Wednesday and Thursday between the hours of 0800 to 1400. The RU shall attempt to pre-schedule all registrants in advance of their documentation day. The daily schedule of interviews shall be presented the day before the interview date to the Robbery Unit Sergeant, or in his/her absence, the Domestic and Sexual Violence Unit Sergeant. These unit supervisors will be responsible for assigning detective(s) to conduct the interviews and advising the RU with the names of the detectives.
332.6.3 PREPARING THE REGISTRATION FILE
The RU shall be responsible for preparing a file for each interview before the registrant arrives. A background check on RMS will be conducted to verify whether a person's record already exists on computer. This registrant's file shall consist of the following:

(a) Copy of any old MORO file information on registrant;
(b) A NAMS check under the old RMS;
(c) A Global Subject Search under new RMS, Access the Global Person Entry Window from the Main Window Active Bar by clicking on Person and Business button, then clicking the Adult Global Person Entry icon. The Global Person Entry Window opens. Type the person's last name in the Last Name text box, and First name in the First name text box. The minimum information you can search on is Last Name. Click Search on the title bar.
(d) A warrant/drivers license check.
(e) A PDR (personal data record) from CII.
(f) Include the Interview Questionnaire.
(g) Include the Registration Checklist.

332.6.4 REGISTRANT INTERVIEW:

(a) Upon receipt of the registrant's package, the detective will review the file prior to the interview. The detective's goal should be to collect as much information as possible on the registrant during this interview. The interview questionnaire is to be used as a guide only.

(b) Attempt to cover the following information:

1. Family History. Included in this portion shall be all direct relatives - mother, father, siblings, wife, children, girlfriends, and any non-related adults living with parolee.

2. Criminal History. Included in this portion shall be all arrests and/or convictions the parolee can recall including a synopsis of the crime, co-defendants, MO, actual conviction, use of weapons, GBI, resisting arrest, motive, how caught, full trial vs. plea bargain, sentence and actual amount of time done. In addition, the prison(s) where commitment was served and whether there was any disciplinary time served.

3. Drug History. Include all drugs used or addicted to. Age of use, quantities, type of drug, means of ingestion, and method of support. Whether there was any involvement in the Sales of narcotics, what quantities, prices, motive and ambitions.
Megan’s Law

4. Problems. Include any problems the registrant perceives arising while on parole, such as wife/girlfriend, crime partners or co-defendants, ongoing feud, drugs, employment, etc.

(c) All efforts should be made by the detective to verify the registrant's responses.

(d) For 290 PC registrants, the detective must also complete DOJ form SS-8102.

(e) Detectives should take a digital photograph of every registrant, even those coming in for annual registration. This will include a standard mug as well as any images of distinctive features, such as scars, marks or tattoos.

(f) Once the interview is completed, take the registrant to the jail (for initial registration) or back to the Records Specialist that handles the registrations (for annual updates).

(g) Return the registrant's package to the Record Specialist. Included in this package will be the original documentation and completed interview form(s).

(h) Submit the digital camera to the CIB Evidence Technician to download the image(s). The image(s) will be stored either in the hard copy file or on the registrant's associated person's file on the new RMS.

332.6.5 PROCESSING THE REGISTRANT

Processing a registrant shall depend on the type of registration. Registrants coming in for the first time will be taken to the jail for a mug photograph and fingerprints after the interview process. Subjects coming in for their annual registration will be processed further by the Records Specialist responsible for these registrations after the interview. The Records Specialist will attach a note to each file indicating the necessary processing steps.
Major Incident Notification

333.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

333.2 POLICY
The Richmond Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

333.3 MINIMUM CRITERIA FOR NOTIFICATION
Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shooting Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Richmond official
- Arrest of a department employee or prominent Richmond official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

333.4 WATCH COMMANDER RESPONSIBILITY
The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

333.4.1 STAFF NOTIFICATION
In the event an incident occurs described in Policy Manual § 358.2, the Chief of Police shall be notified along with the affected Division Commander and the Investigations Division Lieutenant if that bureau is affected.
333.4.2 DETECTIVE NOTIFICATION
If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

333.4.3 TRAFFIC BUREAU NOTIFICATION
In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

333.4.4 PUBLIC INFORMATION OFFICER (PIO)
The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.
Death Investigation

334.1 PURPOSE AND SCOPE
The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

334.2 INVESTIGATION CONSIDERATIONS
Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). A supervisor shall be notified in all death investigations.

334.2.1 CORONER REQUEST
Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities.).

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by subdivision (e) of Section 1746 of the Health and Safety Code in the 20 days prior to death.

(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide.

(e) Known or suspected suicide.

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion.

(h) Associated with a known or alleged rape or crime against nature.

(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

(j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
Death Investigation

(k) Accidental poisoning (food, chemical, drug, therapeutic agents).
(l) Occupational diseases or occupational hazards.
(m) Known or suspected contagious disease and constituting a public hazard.
(n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
(o) In prison or while under sentence. Includes all in-custody and police involved deaths.
(p) All deaths of unidentified persons.
(q) All deaths of state hospital patients.
(r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
(s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

334.2.2 SEARCHING DEAD BODIES
The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

334.2.3 DEATH NOTIFICATION
When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.
Death Investigation

334.2.4 UNIDENTIFIED DEAD BODIES
If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

334.2.5 DEATH INVESTIGATION REPORTING
All incidents involving a death shall be documented on the appropriate form.

334.2.6 SUSPECTED HOMICIDE
If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

334.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES
Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone or teletype with all pertinent information (8 CCR 342(b)).
Identity Theft

335.1 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.

335.2 REPORTING

(a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:

1. For any victim not residing within this jurisdiction, the officer shall take a courtesy report to be forwarded to the victim's residing agency.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.

(f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.
Private Persons Arrests

336.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

336.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS
Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

336.3 ARRESTS BY PRIVATE PERSONS
Penal Code § 837 provides that a private person may arrest another:

(a) For a public offense committed or attempted in his or her presence;

(b) When the person arrested has committed a felony, although not in his or her presence;

(c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

336.4 OFFICER RESPONSIBILITIES
Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.

2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking
2. Release the individual pursuant to a Notice to Appear
3. Release the individual pursuant to Penal Code § 849

336.5 REPORTING REQUIREMENTS
In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.
Evidence Technician Program

337.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines to ensure that the program is efficiently and effectively managed. The responsibilities of the technician will also be clearly delineated.

337.1.1 DEFINITIONS
A Patrol Division Lieutenant shall be responsible for:

- The selection and evaluation of the program personnel.
- The training of personnel, ordering of supplies, and maintenance of the program records. These tasks may be delegated to the Evidence Technician assigned to the Investigations Section.

337.2 RESPONSIBILITIES
The primary responsibility shall be as follows:

(a) The recording, collection, preservation and presentation of physical evidence. The Evidence Technician must be trained in the proper methods and procedures relating to physical evidence.

(b) As a general rule, the Evidence Technician shall not process occurrences that relate to misdemeanor crimes.

(c) In relation to major felony crimes, such as a homicide or Officer-involved scene, the Patrol Evidence Technician should determine from the Watch Commander whether the Investigations Section Evidence Technician would be responding to the scene. Should it be determined that the Investigations Section Technician would be responding to the scene, the Patrol Evidence Technician should preserve the scene pending arrival of the Investigations Section Evidence Technician. The Patrol Evidence Technician should:

1. Obtain all preliminary photographs.
2. Document and preserve all associated evidence.
3. In the case of a homicide scene where the victim's body is open to public view, after completion of the aforementioned two steps, cover the victim with a sheet pending arrival of the Investigations Section Evidence Technician and Detectives.

(d) When not engaged in the primary function, Evidence Technicians shall be available for general Patrol tasks.
337.2.1 SUPERVISION

(a) The Evidence Technician Program shall consist of Evidence Technicians assigned to Patrol Teams by Patrol Division Supervisors and an Evidence Technician assigned to the Investigations Section.

(b) The Evidence Technician assigned to the Investigations Section will be supervised by the Sergeant of the Homicide Unit. The Homicide Sergeant shall review the performance of the Investigations Section Evidence Technician and his/her suitability to remain in the program shall be determined through that evaluation.

(c) The Evidence Technician Program shall not be bound by a maximum assignment time. Patrol Watch Commanders shall review the performance of each Patrol Evidence Technician and their suitability to remain in the program shall be determined through that evaluation.
Damage to City Property

338.1 PURPOSE AND SCOPE
All damaged City Property shall be reported to the Administration Division, using an Administrative Memorandum through the proper chain of command. This shall be in addition to any other required report. Other reports shall be referenced in the letter. The employee finding the damage shall have the responsibility of reporting it.

338.2 FACTORS TO CONSIDER
Whenever private property damage occurs as a result of a police action, the Office of the Chief of Police shall be notified, using an Administrative Memorandum written through the appropriate chain of command to the Administration Division Captain with a copy to the Department's Risk Management Coordinator. The letter shall contain the following:

(a) The location of the damage and the name of the owner, if known.
(b) A description of the damage and photos.
(c) A recommendation as to whether or not the City should repair the damages, and the reasons supporting the recommendation. When making a recommendation for repair responsibility, the reporting Supervisor shall consider:
   1. Whether or not the damaged property belongs to a suspect or to others; and
   2. Whether the damage resulted from a suspect’s flight or refusal to submit to arrest.
(d) References to any report that was written in conjunction with the incident.

A copy of reports written relating to an incident of damage shall be immediately forwarded to Professional Standards.

Professional Standards shall inform the Public Services Agency that a demand or potential demand for repairs might be made. Additionally, the Department's recommendation regarding the City's responsibility to make such repairs will be made available to the Public Services Agency.

An employee shall not make a commitment on behalf of the City to repair private property but may refer any questions to Professional Standards.
Arrest and Booking Procedures

339.1 PURPOSE AND SCOPE
All arrests must be evaluated to determine the need for booking into the Martinez Detention Facility. (This type of continuous evaluation may mitigate costs associated with bookings into the Richmond Temporary Detention Facility.)

339.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING
All misdemeanor arrests shall be evaluated by the arresting Officer to determine the need for booking into the Richmond Temporary Detention Facility. The alternative is to cite release prior to booking into the Richmond Temporary Detention Facility, or upon reasonable need may be booked into the Richmond Facility then cite released prior to transportation to Martinez.

339.3 FELONY ARRESTS
All felony arrests shall be booked into the Richmond Temporary Detention Facility. The Jailer shall notify the Watch Commander of all felony bookings. The notified Watch Commander shall ensure that an on-duty Detective is notified of the felony arrest prior to the transportation to Martinez. The Watch Commander may notify on-call Detectives if appropriate.

339.4 OUTSIDE AGENCY ARRESTS
Outside agency arrests shall not routinely be booked into the Richmond Temporary Detention Facility. The Watch Commander must pre-approve the booking of any outside agency arrest into the Richmond Facility. The exceptions will be CHP arrests, which will still be accepted into the Richmond Facility, and Richmond-involved Cease Fire or special operations; however, once booked, the Jailer will follow the below requirement for Martinez transportations/bookings.

339.5 MARTINEZ TRANSPORTATIONS/BOOKINGS
Jailers or transporting Officers will ensure that the Watch Commander pre-approves the transportation of all in-custody persons to the Martinez Detention Facility. Approval considerations for transportsations shall include the statutory requirement of the crime committed, the continuation of the crime, the need for Richmond investigative interviews or follow-up, injury or illness of the arrestee, corpus of the crime, ability of the Martinez Detention Facility to accept the arrestee (full capacity), or the need for additional evidence gathering.
False Alarm Procedures

340.1 PURPOSE AND SCOPE
The Richmond City Ordinance, 7.96, sets forth certain requirements from alarm companies and residents in the city that are equipped with a monitored alarm system. This includes requiring residents to register their alarm system with the city for better accountability, and increased penalties for false alarms.

340.2 REFERENCE
Richmond Municipal Code 7.96 states in part:

"False alarm" means the activation of an alarm system due to mechanical failure, malfunction, improper installation or maintenance, or the negligence and improper use by the alarm user/subscriber, or his/her agents, employees, or occupants and there is no visible evidence of criminal activity, forced entry or unauthorized trespassers.

340.3 PROCEDURE
Officers responding to what is determined to be a false alarm are required to complete the NOTICE OF FALSE ALARM RESPONSE, and leave the copy at the scene with a responsible party, or attached to the location in a conspicuous location.

The completed card shall include the incident number, date and time of response, officer name and serial number, the address of the false alarm, name of the business or homeowner/resident, whether it is City, State or Federal property, and where the notice is posted (or who it is given to).

A case number is only required if one is pulled for a different reason than the false alarm at the same location.

All False Alarm calls SHALL be cleared by utilizing the MCR 25 code for tracking purposes.
Chaplains

341.1 PURPOSE AND SCOPE
The Richmond Police Department Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Department, their families and members of the public.

341.2 POLICY
It is the policy of this department that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.

341.3 GOALS
Members of the Chaplain Program shall fulfill the program’s purpose in the following manner:

(a) By serving as a resource for department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.

(b) By providing an additional link between the community, other chaplain programs and the Department.

(c) By providing counseling, spiritual guidance and insight for department personnel and their families.

(d) By being alert to the spiritual and emotional needs of department personnel and their families.

(e) By familiarizing themselves with the role of law enforcement in the community.

341.4 REQUIREMENTS
Candidates for the Chaplain Program shall meet the following requirements:

(a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.

(b) Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.

(c) Must successfully complete an appropriate level background investigation.

(d) Must have at least five years of successful ministry experience within a recognized church or religious denomination.

(e) Membership in good standing with the International Conference of Police Chaplains (ICPC).
(f) Possess a valid California Drivers License.

341.5 SELECTION PROCESS
Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a) Appropriate written application.
(b) Recommendation from their church elders, board, or council.
(c) Interview with Chief of Police & Chaplain Supervisor
(d) Successfully complete an appropriate level background investigation.

341.6 DUTIES AND RESPONSIBILITIES
The duties of a chaplain include, but are not limited to, the following:

(a) Assisting in making notification to families of department members who have been seriously injured or killed.
(b) After notification, responding to the hospital or home of the department member.
(c) Visiting sick or injured law enforcement personnel in the hospital or at home.
(d) Attending and participating, when requested, in funerals of active or retired members of the Department.
(e) Assisting sworn personnel in the diffusion of a conflict or incident, when requested.
(f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the Department's mission.
(g) Being on-call and if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department personnel.
(h) Counseling officers and other personnel with personal problems, when requested.
(i) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
(j) Being responsible for the organization and development of spiritual organizations in the Department.
(k) Responding to all major disasters such as earthquakes, bombings and similar critical incidents.
(l) Providing liaison with various religious leaders of the community.
(m) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.
(n) Participating in in-service training classes.
(o) Willing to train to enhance effectiveness.
(p) Promptly facilitating requests for representatives or ministers of various denominations.
(q) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

341.7 CLERGY-PENITENT CONFIDENTIALITY

No person who provides chaplain services to members of the department may work or volunteer for the Richmond Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform department members when it appears reasonably likely that the member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Richmond Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

341.8 COMMAND STRUCTURE

(a) Under the general direction of the Chief of Police or his/her designee, chaplains shall report to the Senior Chaplain.
(b) The Chief of Police shall make all appointments to the Chaplain Program and will designate a Senior Chaplain.
(c) The Senior Chaplain shall serve as the liaison between the Chaplain Unit and the Chief of Police. He/she will arrange for regular monthly meetings, act as chairman of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit and arrange for training classes for chaplains.

341.9 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call for a period of seven days at a time during each month, beginning on Monday and ending on the following Sunday.
(b) Generally, each chaplain will serve with Richmond Police Department personnel a minimum of eight hours per month.
(c) At the end of each watch the chaplain will complete a Chaplain Shift Report and submit it to the Chief of Police or his designee.
Chaplains

(d) Chaplains shall be permitted to ride with officers during any shift and observe Richmond Police Department operations, provided the Watch Commander has been notified and approved of the activity.

(e) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.

(f) In responding to incidents, a chaplain shall never function as an officer.

(g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(h) Chaplains shall serve only within the jurisdiction of the Richmond Police Department unless otherwise authorized by the Chief of Police or his designee.

(i) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such Information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.

341.9.1 UNIFORMS AND BADGES
A distinct uniform, badge and necessary safety equipment will be provided for the Chaplains. This uniform may be similar to that worn by the personnel of this department.

341.10 TRAINING
The Department will establish a minimum number of training hours and standards for department chaplains. The training may include stress management, death notifications, post-traumatic stress syndrome, burnout for officers and chaplains, legal liability and confidentiality, ethics, responding to crisis situations, the law enforcement family, substance abuse, suicide, officer injury or death, and sensitivity and diversity, as approved by the Training Sergeant.
Closed Circuit Television/Public Camera System (CCTV)

342.1 PURPOSE AND SCOPE
This policy applies to all Richmond Police Department CCTV monitoring and/or recording. Its purpose is to manage the use of CCTV in public places and to enhance public safety in a manner consistent with accepted privacy rights.

342.2 POLICY
(a) The principle objectives of CCTV monitoring and/or recording in public area include:

1. Enhancing public safety;
2. Preventing/deterring crime and public disorder;
3. Reducing the fear of crime;
4. Identifying criminal activity and suspects;
5. Identifying and gathering evidence;
6. Documenting police actions to safeguard the rights of the public and police officers;
7. Reducing the cost and impact to the community;
8. Improving the allocation and deployment of law enforcement assets. Any use of CCTV that deviates from these principles is strictly prohibited by this policy.

(b) CCTV monitoring and/or recording must be conducted in a professional, ethical, and legal manner. Personnel using the CCTV camera system will be trained and supervised in the responsible use of this system. Violations of this policy and procedures may result in disciplinary action and subject those involved to criminal and/or civil liability under applicable state and federal laws;

(c) Information obtained through video monitoring and/or recording will be used exclusively for safety, security, and other legitimate purposes and will only be released in accordance with this policy or as required by law;

(d) CCTV monitoring and/or recording of public areas will be conducted in a manner consistent with all department policies, including the Sexual Harassment Policy. Monitoring based solely on protected classifications (e.g., race, gender, sexual orientation, national origin, disability, etc.) is prohibited.

(e) CCTV monitoring of public areas, dwellings, and businesses is limited to uses that do not violate the reasonable expectation of privacy as defined by law.
342.3 PROCEDURE
(a) CCTV cameras will be monitored by personnel authorized by the Chief of Police or his/her designee. The CCTV System Operator shall inspect the video monitors at or near the beginning of their shift to ensure the video system is functioning properly and that the system is recording correctly using the proper data/time stamp;

(b) An officer will be dispatched to any area in which a possible crime, motor vehicle accident, public safety risk, traffic problem, or other incident that necessitates police intervention. The responding officer will be the primary reporting officer of in-progress incidents. Incidents captured by analytic software "alarms" will be documented by the system operator.

(c) CCTV cameras shall be used to observe locations that are in public view and where there is no reasonable expectation of privacy;

(d) Personnel will not continuously view or record people displaying affection in public areas, unless such activity is criminal in nature;

(e) Tampering with or duplicating recorded information without authorization is prohibited;

(f) Personnel shall not disseminate information obtained through the monitoring of CCTV public cameras unless such release complies with the law, this policy, or other Department information-release policies.

342.3.1 MONITORING
(a) RPD is the only City agency authorized and responsible for the oversight and use of public cameras in the city. In addition to being responsible for all operational issues related to public cameras, the Police Department has primary responsibility for ensuring adherence to this policy and for disseminating the policy to persons requesting information on CCTV policy and procedures.

(b) The Department is responsible for following new developments in relevant laws and security industry practices to ensure that CCTV monitoring and/or recording is consistent with high standards and protections.

(c) This policy does not create an affirmative duty for the Department to monitor video equipment in public places on a continuous or periodic basis.

342.3.2 TRAINING
All personnel operating the CCTV system will be trained in the technical, legal, and ethical parameters of appropriate system use.

(a) Personnel will be given a copy of this policy and will provide written acknowledgment that they have read and understood its contents;

(b) Personnel will receive yearly training to reinforce the importance of proper use of the system and to keep abreast of current case law;
(c) All personnel involved in monitoring and/or recording public areas will perform their duties in accordance with the law and this policy;

(d) The Chief of Police or his/her designee(s) will ensure that responsible monitoring/recording practices are followed by conducting yearly audits. Such audits will include an inspection of the monitoring equipment, camera placement, maintenance logs, and incident documentation records.

342.3.3 PROHIBITED ACTIVITY

(a) Recorded video images will be stored for a maximum of 90 days. Images will deleted after 90 days unless the video footage needs to be retained as part of a police investigation, court proceeding, Office of Professional Accountability investigation, or their legitimate use as approved by the Chief of Police;

(b) All requests for a copy of video surveillance footage require the completion of a "Request for CCTV Video" form. This form shall include the date requested, reason for the request, nature of the recording, incident case number, specific time frames, signature of the requesting officer, and the name of the extracting officer;

(c) Only personnel authorized by the Chief of Police or his/her designee shall be authorized to extract video footage from the system;

(d) Video footage extracted onto digital media for investigative purposes shall be marked with the incident case number, the extracting officer's name and serial number, and the appropriate watermarking or system verification information. The digital media will then be given to the investigating officer and booked as evidence into the Property Room. The requesting officer is responsible for booking the digital media, including a copy of the "Request for CCTV Video" form, into evidence;

(e) The only digital media recognized as authentic for legal or evidentiary purposes shall be the original extracted version booked into the Property Room. Officers and investigators shall not maintain the original extracted media with the incident case file, however, "working copies" of this media may be part of the file;

(f) A download log will be kept for all extracted footage along with the completed "Request for CCTV Video" forms in the CCTV monitoring room.

342.4 MEDIA STORAGE

Audits will be conducted annually to ensure compliance with this policy. Completed audit reports will be forwarded through the CCTV Manager and/or the Assistant Chief of Police to the Chief of Police or his/her designee. Audit results that need further review may be forwarded to an ad-hoc board consisting of subject matter experts selected by the Chief of Police.
342.4.1 COMPLAINT PROCESS
All internal and external complaints related to the CCTV system or this policy will follow standard complaint and grievance procedures as outlined in the Policy Manual, Memorandum of Understanding, and applicable law.

342.5 ANNUAL REVIEW OF THE PUBLIC SAFETY CAMERA SYSTEM
The Chief of Police or his/her designee will conduct an annual review of the public safety camera system. The annual review will include an inventory of video monitoring installations, date of installation, summary of the purpose, adherence to this policy and any proposed policy changes. The results of each review will be documented and maintained by the Chief of Police or his/her designee and other applicable advisory bodies. Any concerns or deviations from this policy will be addressed promptly and effectively.
Child Safety Policy

343.1 PURPOSE AND SCOPE
The Richmond Police Department recognizes that children who are subjected to traumatic events, such as the arrest of a parent or guardian, may experience negative emotional effects that can last throughout the lifetime of the individual. After such an event the child may not receive the appropriate care, which can lead to further emotional or physical trauma. This policy is intended to provide guidelines for officers to take reasonable steps to minimize the impact to the child when it becomes necessary to take action involving the child's parent or guardian (Penal Code § 833.2(a)).

343.1.1 POLICY
It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience children may have when their parent or caregiver is arrested. The Richmond Police Department will endeavor to create a strong cooperative relationship with local, state and community-based child social services to ensure an effective, collaborative response that addresses the needs of affected children.

343.2 PROCEDURES DURING AN ARREST
When encountering an arrest situation officers should make reasonable attempts to determine if the arrestee is responsible for minor dependent children. In some cases this is obvious, such as when children are present. However, officers should inquire if the person has any other dependent minor children who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

(a) Inquire about and confirm the location of any dependent minor children.

(b) Look for evidence of children. Officers should be mindful that some arrestees may conceal the fact that they have dependent children for fear their children may be taken from them.

(c) Inquire of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a dependent child.

Whenever possible, officers should take reasonable steps to accomplish the arrest of a parent or guardian out of the presence of his/her child. Removing children from the scene in advance of the arrest will generally ensure the best outcome for the child.

Whenever it is safe to do so, officers should allow the parent to assure children that they will be provided care. If this is not safe or if the demeanor of the in-custody parent suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the children that both parent and children will receive appropriate care.
343.2.1 AFTER AN ARREST
Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, dependent minor children.

Officers should allow the arrestee reasonable time to arrange for care of minor children. Temporary placement of the child with family or friends may be appropriate. However, any decision should give priority to a child-care solution that is in the best interest of the child. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of minor children with a responsible party, as appropriate.
   1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent's judgment regarding arrangements for child care. It is generally best if the child remains with relatives or family friends the child knows and trusts. Consideration regarding the child's familiarity with the surroundings, comfort, emotional state and safety should be paramount.
   2. Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children with the non-arrested parent or guardian.

(b) Provide for the immediate supervision of minor children until an appropriate caregiver arrives.

(c) Notify Child Protective Services if appropriate.

(d) Notify the field supervisor or Watch Commander of the disposition of minor children.

If children are at school or at a known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the parent's arrest and of the arrangements being made for the care of the arrestee's children, and then record the result of such actions in the associated report.

343.2.2 DURING THE BOOKING PROCESS
During the booking process the arrestee shall be allowed to make additional free local phone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any minor dependent child. These phone calls shall be given immediately upon request or as soon as practicable and are in addition to any other phone calls allowed by law (Penal Code § 851.5(c)).

343.2.3 REPORTING
For all arrests where children are present or living in the household, the reporting employee will include information about the children, including names, gender, age and how they were placed.
343.3 CHILD WELFARE SERVICES
Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any dependent minor children, the handling officer should consider taking children into protective custody and placing them with the appropriate county child welfare service or other department-approved social service (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child be transported to the police's facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child be left unattended or without appropriate care.
344.1 PURPOSE AND SCOPE
The Wanted Persons Bulletin has been established to enhance the knowledge of the Patrol Officers of known criminals in the community and to expedite their detection and apprehension.

344.2 POLICY

(a) Intradepartmental Communication "wants" issued by Patrol Division officers shall not be placed in the Wanted Persons Bulletin. Intradepartmental Communication wants issued by Patrol Officers will expire after seventy-two (72) hours.

(b) It shall be the responsibility of the Detective assigned the case to transfer the information onto the Wanted Persons Bulletin if so desired.

(c) The Crime Analysis Section will monitor the Wanted Persons Bulletin with the aid of the Records Management System (RMS).
   1. One (1) binder will be kept in the Crime Analysis Section.
   2. An active and current Bulletin will be maintained on the Department Intranet.

(d) The Crime Analysis Section will issue the Wanted Persons Bulletin. The Bulletin will also contain a list of cancellations from previous editions.

(e) The Crime Analysis Section shall return a Probable Cause Wanted Person Bulletin to the originating Detective at the expiration of thirty (30) days if not cleared.

(f) The originating Detective may elect to:
   1. Request the re-issue of the Bulletin for another thirty (30) days.
   2. Obtain a complaint and arrest warrant.
   3. Obtain a Ramey arrest warrant.

(g) Probable cause wants for arrest may only be re-issued once.

(h) The arrest of a subject listed in the Bulletin will require the arresting Officer to notify Communications Center immediately for cancellations.
Volunteer Program

345.1 PURPOSE AND SCOPE
It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

345.1.1 DEFINITION OF VOLUNTEER
An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

345.2 VOLUNTEER MANAGEMENT

345.2.1 VOLUNTEER COORDINATOR
The Crime Prevention Manager is responsible for appointing an individual to the position of Volunteer Coordinator. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.
(b) Facilitating the implementation of new volunteer activities and assignments.
(c) Maintaining records for each volunteer.
(d) Tracking and evaluating the contribution of volunteers.
(e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
(f) Maintaining a record of volunteer schedules and work hours.
(g) Completion and dissemination as appropriate of all necessary paperwork and information.
(h) Planning periodic recognition events.
(i) Administering discipline when warranted.
(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

345.2.2 RECRUITMENT
Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester’s immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

345.2.3 SCREENING
All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check. Fingerprint shall be obtained from all applicants and processed through the California Criminal Information Index.
(b) Employment
(c) References
(d) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

345.2.4 SELECTION AND PLACEMENT
Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.
Volunteer Program

345.2.5 TRAINING
Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

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

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

345.2.6 FITNESS FOR DUTY
No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver license
(b) Medical condition
(c) Arrests
(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

345.2.7 DRESS CODE
As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.
345.3 SUPERVISION OF VOLUNTEERS
Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.
(b) Ensure volunteers have work space and necessary office supplies.
(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

345.4 CONFIDENTIALITY
With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

345.5 PROPERTY AND EQUIPMENT
Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.
Volunteer Program

345.5.1 VEHICLE USE
Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.
(b) Verification that the volunteer possesses a valid California Driver License.
(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

345.5.2 RADIO AND MDC USAGE
Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

345.6 DISCIPLINARY PROCEDURES/TERMINATION
A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

345.6.1 EXIT INTERVIEWS
Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

345.7 EVALUATION
An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.
Applicant Processing and Permit Procedures

346.1 PURPOSE AND SCOPE
This policy is intended to provide guidelines for officers of the Richmond Police Department with respect to applicant processing and permit procedures.

346.2 POLICY

346.2.1 TOW TRUCKS
(a) All business relative to tow truck applications shall be referred to the Regulatory Unit at the Richmond Police Department.
(b) Tow companies applying for the City Towing franchise contract shall acquire, complete, and submit an application to the Regulatory Unit.
(c) The tow company receiving the City towing franchise shall submit to be filed with the application the following:
   1. Proof of communications equipment
   2. Records
   3. Insurance and bond
   4. Rate schedule
   5. Safety inspections
(d) Radio Communications Equipment
   1. The tow operator will be required to have radio communications with the Richmond Police Department and his/her tow truck.
(e) Record
   1. The tow operator shall keep records of all vehicles towed at the request of the Richmond Police Department.
(f) Insurance and Bond
   1. The tow operator will be required to carry liability insurance and post a bond.
(g) Rate Schedule
   1. The tow operator shall charge for tow services according to a rate schedule adopted by the City Council. An itemized statement of charges will be provided each client.
(h) Safety Inspections
1. The tow operator will not use any towing vehicle that has not completed an
annual safety inspection conducted by the Richmond Police Department or CHP.

346.2.2 POLICE DEPARTMENT APPLICANTS
   (a) All Police Department applicants shall be fingerprinted as follows:
       1. One (1) FBI applicant fingerprint card
       2. One (1) DOJ applicant fingerprint card

346.2.3 WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT EMPLOYEE APPLICANTS
   (a) The applicant shall present an authorization for payment from the School District in
duplicate and one (1) DOJ fingerprint card.
   (b) The applicant shall complete the necessary information on the DOJ fingerprint card. Records personnel shall complete the fingerprinting. Both copies of the authorization
for payment shall then be signed.
   (c) The applicant shall be given one (1) copy of the authorization of payment. The other
copy of the authorization of payment and the DOJ fingerprint card shall be placed on
the identification desk in the Records Section.

346.2.4 SOLICITORS AND PEDDLERS PERMITS
   (a) Applicants for these permits shall be received for processing Monday through Friday
between 0700 and 1500 hours daily.
   (b) Records Section personnel shall be responsible for the conduct of investigations and
processing of solicitor and peddler permits.
   (c) New Applicants:
       1. Applicants shall present a blue-color copy of the receipt issued by the Business
License Division. The peddlers/solicitors Police Permit Entry will be completed
indicating payment of fees.
       2. The applicant shall complete and sign the application form and leave it with the
clerical staff for processing. The applicant shall be advised that a three (3) day
period is required for a local check and that he/she is to return at the end of
that time.
       3. When the local check is completed and the applicant is found to have no felony
convictions or misdemeanor convictions involving crimes of moral turpitude, the
following shall occur:
          (a) The Records Specialist shall complete the police verification card.
          (b) Indicate "PEDDLER" in capitals in the "type of permit" space.
Applicant Processing and Permit Procedures

(c) Assign the proper permit number (numbers shall be issued in numerical order preceded by the last two digits of the current year).

(d) Name, organization, date of issue, and date of expiration (permit expires on the same date as business license).

(e) The applicant shall be processed through the Polaroid ID Unit. Two (2) photographs shall be taken. Only one (1) shall be attached to the application.

(f) The application and photograph shall be filed alphabetically in the Records Section.

4. The applicant shall not be issued a permit until the fees have been posted for the business license with the Business License Division. When proof is presented, the permit shall be issued.

5. When local checks indicate the applicant has a felony conviction or other disqualifying criteria, the Technical and Support Services Bureau Commander shall be notified.

(d) Renewals:

(a) Renewals shall follow the same procedures as for a new applicant.

346.2.5 JUVENILE SOLICITORS PERMITS

(a) For a juvenile to get a solicitors permit he or she must first obtain a work permit from his or her high school. The School District will not issue work permits to persons under sixteen (16) years of age.

(b) Juvenile solicitor permit applicants shall follow the same procedures and meet the same requirements as an adult applicant.

(c) A juvenile solicitor permit is not necessary for individuals who are soliciting for non-profit organizations, i.e., the Boy Scouts, provided they are properly supervised.

346.2.6 JUNK PERMITS

(a) Applicants shall be directed to the License Division at City Hall to pay a fee for the cost of a police background investigation. Upon payment, the License Division will issue the applicant a receipt.

(b) The applicant must present the salmon-colored copy of the receipt to the Detective Division. The receipt is an authorization to do a background check of the applicant.

(c) Upon completion of the background check, the Detective Division shall forward a letter of clearance wither approving or rejecting the applicant to the Chief's Office for signature.
(d) The completed application is forwarded to the City Clerk, who notifies the License
Division, who is responsible to notify the applicant and collect the proper fee.

346.2.7 SOUND PERMITS

(a) The processing and issuance of sound permits shall be handled by the Office of the
Chief of Police.

(b) The applicant shall be interviewed and complete an application form. If approved by
Special Investigations, the application will be signed by the Chief of Police.

(c) The distribution of the completed application shall be as follows:
   1. The original filed in the Chief's Office.
   2. The blue copy issued to the applicant, who must be in possession of it while
      in use.
   3. The green copy forwarded to the Policing Bureau.
   4. The yellow copy forwarded to the Technical Support and Services Bureau.
   5. A copy to be made and forwarded to Special Investigations.

(d) Parks or Civic Center Area:
   1. Sound permits for use in parks or the Civic Center area are obtained from the
      Parks and Recreation Department. Completed forms are submitted to the Chief's
      Office for signature and returned to the Parks and Recreation Department.
      Copies shall be made and distributed to Special Investigations and to the
      Policing Bureau.

346.2.8 LIQUOR LICENSE ONE (1) DAY PERMIT

(a) All requests shall be referred to the Office of the Chief of Police for processing and
clearance. A copy of the clearance letter shall be forwarded to the Vice-Narcotic
Section, the Communications Center, and the Policing Bureau.

346.2.9 MECHANICAL OR ELECTRONIC DEVICE PERMITS

(a) The Police Department (Chief's Office) shall have final responsibility for the issuance
of and the accountability for mechanical or amusement device permits.

(b) All applicants will be given a permit application by the Chief's Office. The applicant
shall be directed to take the application to the following City departments for approval:
   1. Finance Department's Business License Unit
   2. Building Department
   3. Planning Department
(c) Upon successful completion of the application, the applicant shall return to the Police Department and post the necessary fees according to the schedule as mandated by RMC 11.56.040.

(d) The Chief's Office will accept all payments and issue a receipt through the Technical Support and Services Bureau to the applicant. The applicant will be given a signed valid permit authorizing business.

(e) At any time a permittee seeks to make changes or notifications regarding any licensed machine or device, the permittee will contact the Chief's Office.

346.2.10 PARADE PERMIT

(a) Applicants shall be referred to the Records Section, who shall issue a Parade Permit Application and an instruction sheet outlining the procedures for completing the application.

(b) Records personnel shall forward completed applications to the Policing Bureau for approval.

(c) Records personnel shall collect the fee for approved applications and forward copies of the approved application to the Fire Department, Public Works Department, and Parks and Recreation Department.

(d) The Policing Bureau shall keep the original application and be responsible to notify the Technical Support and Services Bureau and the Division Superintendent of AC Transit Company of the parade.

346.2.11 SECONDHAND DEALER'S LICENSE

(a) The processing and licensing of Secondhand Dealer License applicants will include personnel of the Finance Department and Police Department.

(b) The applicant shall be interviewed by Records personnel and provided with an application for Secondhand Dealer License form, State form JUS125, a copy memorandum informing the applicant of the new law requirements, and a State of California DOJ applicant fingerprint card (form BID-7). The applicant shall be informed to complete the forms and return for processing.

(c) Question that cannot be answered by Records personnel shall be referred to the Property Unit Supervisor of the Investigations Section.

(d) Upon return of the applicant to complete the processing, he/she shall be fingerprinted by the Records personnel. Fees for fingerprinting and processing are to be collected according to fees established by City Resolution.

(e) The applicant shall then be routed to the Property Unit Supervisor, who shall review the forms for completeness, obtain a check or money order as required for State
processing, and mail the data to the State DOJ. The Property Unit Supervisor shall be empowered to sign the application as representative of the Chief of Police.

(f) Upon receipt from DOJ, the application with the license approval shall be forwarded to the Investigation Section Property Unit Supervisor, who shall insure notification to the applicant and the Finance Department's Business License Division, and shall provide the proper license forms to the applicant, arrange for proper filing of the RPD copy, and mail one (1) copy to DOJ.

(g) All completed forms and accompanying written material shall be maintained in the Property Unit.
Peer Support Team Program

347.1 PURPOSE AND SCOPE
The Richmond Police Department recognizes the value and need to provide employees with in-house resources to support them in managing professional and personal crisis. The purpose of this instruction is to establish policy relating to an in-house peer support team.

Critical incidents often precipitate feelings of anxiety, guilt, anger, denial and disillusionment. Although these feelings are natural and should be expected as part of the psychological and physiological phenomena that occur during and or after such events, they are seldom understood or acknowledged. If they are not immediately addressed, they may lead to inappropriate behavior and poor performance. This behavior may adversely affect the employee's personal and or professional well-being.

347.2 COMPOSITION
The Chief of Police may appoint any qualified department employee to the Peer Support Team. The Peer Support Team shall consist of a minimum of 20 police department employees. The makeup of the team will include a wide variety of personnel from various ranks, bureaus, and civilian positions within the department. Peer Support team personnel will serve at the discretion of the Chief of Police.

The Peer Support Team will be managed by a police captain. The manager will appoint a team leader, typically a police sergeant. The team leader will report directly to the manager, who will report directly to the Chief of Police.

347.3 CRITICAL INCIDENTS
Critical incidents that require a Peer Support Team assessment shall include, but are not limited to:

(a) All officer involved shootings were a subject is killed or wounded;
(b) Where an employee witnesses another employee's death or serious injury;
(c) Where an employee is a witness or a participant to an incident involving multiple deaths;
(d) Infant or child's death;
(e) Natural disaster involving multiple deaths;
(f) Any incident that is likely to affect the employee's ability to interact with the public and carry out their job functions (to include non-work related challenges such as; death of family member, divorce, etc.);
(g) Any other incident deemed appropriate by the employee's supervisor or manager;
(h) Any other incident deemed appropriate by the Chief of Police or his designee.
Whenever a supervisor or manager is notified of a critical incident that may require assessment by the Peer Support Team, he/she shall contact the program's manager, as soon as practical. The program manager will make the determination as to the scope of the response that is needed from the Peer Support Team.

347.4 PEER SUPPORT TEAM DUTIES

Peer Support Team members are intended to be a resource available to department personnel during and after professional or personal crisis. Peer Support Team members will be available to:

- Listen to another employee's feelings after a critical incident or crisis situation;
- Provided information on other resources available (i.e. Employee Assistance Program, Alcoholics Anonymous, credit counseling, etc.);
- Assist with critical incident debriefings;
- Respond to an employee's request for peer support;
- Provide peer support information to new employees;

Personnel who may be involved in conducting administrative or criminal investigations shall avoid any conflict of interest which may arise by placing themselves in both a peer support and investigative role on the same incident.

347.5 CONFIDENTIALITY

All conversations between peer support personnel and employees are not privileged under the Evidence Code. The Department will respect the confidentiality of conversations between peer support personnel and employees, with the following exceptions:

(a) Information concerning the commission of a crime;
(b) The employee is a danger to themselves or a danger to others.

Disclosures under these exceptions will be made directly to the Chief of Police where any department member is involved.

Peer Support Team members who breach confidentiality when any of the above exceptions do not apply, will be immediately removed from the team.

347.6 SELECTION PROCESS

(a) Peer support team members are recruited from department personnel. Attention will be placed on recruiting a diverse assortment of personnel, from the various ranks, bureaus, and civilian positions. The recruiting process shall consist of identifying those individuals who meet the following criteria:

1. Are not on probation at the time of appointment;
2. Agree to maintain confidentiality except in situations outlined in section 389.5;
Peer Support Team Program

3. Be empathetic and possess interpersonal and communication skills;
4. Be motivated;
5. Successful review of the individuals department personnel file;
6. Must be willing to attend and successfully complete training programs;
7. Must attend quarterly meetings;
8. Willingness to be called out on off days and after hours

(b) In addition, interested personnel must possess the following traits:
1. Maturity
2. Patience
3. Communication skills
4. Listening skills

When Peer Support Team positions become available, the Program Coordinator will make notifications via an assignment opportunity posting. Interested personnel will be required to submit a Personnel Action Request form along with a Transfer Request Endorsement, through their chain of command.

Personnel that meet the criteria outlined in section 389.6 will be scheduled for an interview. The interview board will be convened by the program manager, team leader and a member of the Peer Support Team.

The interview board recommendations will be submitted to the Chief of Police for consideration.

347.7 TRAINING
All personnel assigned to the Peer Support Team will attend and successfully complete a California P.O.S.T. training course on peer support.
Chapter 4 - Patrol Operations
Patrol Function

400.1 PURPOSE AND SCOPE
The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION
Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Richmond, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions

(b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.

(c) Calls for service, both routine and emergency in nature

(d) Investigation of both criminal and non-criminal acts

(e) The apprehension of criminal offenders

(f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature

(g) The sharing of information between the Patrol and other bureau within the Department, as well as other outside governmental agencies

(h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies

(i) Traffic direction and control

400.2 PATROL INFORMATION SHARING PROCEDURES
The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the bureaus of the Richmond Police Department.

400.2.1 CRIME ANALYSIS UNIT
The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information is collected, analyzed and distributed through crime analysis reports, District Commander Reports that are shared during Crime Accountability meetings, and via the Intranet (Crime View). The data collected is also shared at neighborhood council meetings and neighborhood watch meetings.
Patrol Function

400.2.2 CRIME REPORTS
A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS
Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol Line-ups as time permits.

400.2.4 INFORMATION CLIPBOARDS
Several information clipboards will be maintained in the briefing room and will be available for review by officers from all bureaus within the Department. These will include, but not be limited to, the patrol check clipboard, the wanted persons clipboard, and the written directive clipboard.

400.2.5 BULLETIN BOARDS
A bulletin board will be kept in the Line-up room and the Investigations Division for display of suspect information, intelligence reports and photographs. New Special Orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Special Order will be placed on the briefing room clipboard.

400.3 CROWDS, EVENTS AND GATHERINGS
Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.
Racial- or Bias-Based Profiling

401.1 PURPOSE AND SCOPE
This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the Richmond Police Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

401.1.1 DEFINITION
Definitions related to this policy include:

Racial- or bias-based profiling - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

401.2 POLICY
The Richmond Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

401.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED
Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

401.4 MEMBER RESPONSIBILITY
Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

401.4.1 REASON FOR DETENTION
Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.
Racial- or Bias-Based Profiling

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS
Each time an officer makes a traffic stop, the officer shall report any information required in the Traffic Function and Responsibility Policy.

401.5 SUPERVISOR RESPONSIBILITY
Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

(b) Supervisors should periodically review AVR recordings, MDC data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.

1. Supervisors should document these periodic reviews.

2. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

401.6 ADMINISTRATION
Each year, the Patrol Division Commander shall review the efforts of the Department to prevent racial- or bias-based profiling and submit an overview, including public concerns and complaints, to the Chief of Police.

This report should not contain any identifying information regarding any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors shall review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING
Training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Personnel and Training Unit.
Racial- or Bias-Based Profiling

(a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of racial- or bias-based profiling.

(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this department who received initial racial- or bias-based profiling training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial and cultural trends (Penal Code § 13519.4(i)).
Briefing Training

402.1 PURPOSE AND SCOPE
Briefing training is generally conducted at the beginning of the officer’s assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations

(b) Notifying officers of changes in schedules and assignments

(c) Notifying officers of new Special Orders or changes in Special Orders

(d) Reviewing recent incidents for training purposes

(e) Providing training on a variety of subjects

402.2 PREPARATION OF MATERIALS
The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.
Crime And Disaster Scene Integrity

403.1 PURPOSE AND SCOPE
The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

403.2 CRIME SCENE RESPONSIBILITY
The first officer at the scene of a crime or major incident is generally responsible for taking reasonable efforts to preserve the scene. Officers shall also consider officer safety and public safety, including reasonable efforts to render medical aid to any obviously injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, the officer shall continue to do so until he/she is relieved by a supervisor.

403.2.1 FIRST RESPONDER CONSIDERATIONS
The following list generally describes the functions which the first responder should reasonably attempt to take at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation, the availability of resources, capacity of personnel and totality of each circumstance:

(a) Ensure no suspects are still in the area.
(b) Broadcast emergency information, including all requests for additional assistance.
(c) Provide first aid to injured parties if it can be done safely.
(d) Evacuate the location as required.
(e) Secure the inner and outer perimeter if needed.
(f) Protect items of apparent evidentiary value.
(g) Identify potential witnesses.
(h) Start a chronological log noting critical times and personnel allowed access.

403.2.2 MEDIA ACCESS
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;
1. 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.

(c) No member of this department shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e));

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

The scene of a tactical operation is the same as a crime scene, except that the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as set forth by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media and all comments to the media shall be coordinated through a supervisor or the Public Information Officer.

403.2.3 SEARCHES

403.3 SEARCHES AT CRIME OR DISASTER SCENES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

403.3.1 CONSENT

Officers should seek consent to search from authorized individuals where possible. However, in the case of serious crimes or major investigations, it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.
Crisis Response Unit

404.1 PURPOSE AND SCOPE
The Crisis Response Unit (CRU) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY
The Policy Manual sections pertaining to the Crisis Response Unit are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

404.1.2 SWAT TEAM DEFINED
A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

404.2 POLICY
It shall be the policy of this department to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and Control
(b) Containment
(c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.
404.2.1 POLICY CONSIDERATIONS
A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

404.2.2 ORGANIZATIONAL PROCEDURES
This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing.
(b) Team organization and function.
(c) Personnel selection and retention criteria.
(d) Training and required competencies.
(e) Procedures for activation and deployment.
(f) Command and control issues, including a clearly defined command structure.
(g) Multi-agency response.
(h) Out-of-jurisdiction response.
(i) Specialized functions and supporting resources.

404.2.3 OPERATIONAL PROCEDURES
This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association suggested SWAT best practices. Because such procedures are specific to CRU members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

(a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).
   1. All SWAT team members should have an understanding of operational planning.
   2. SWAT team training should consider planning for both spontaneous and planned events.
   3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
(b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
   1. When possible, briefings should include the specialized units and supporting resources.
(c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator.

(f) A standard method of determining whether or not a warrant should be regarded as high-risk.

(g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) Post incident scene management including:

1. Documentation of the incident.
2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the SWAT team.

   (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.

   (b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.

   (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.

   (d) When appropriate, debriefing should include specialized units and resources.

   (i) Sound risk management analysis.

   (j) Standardization of equipment deployed.

404.3 TRAINING NEEDS ASSESSMENT
The SWAT/CRU Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1084).

404.3.1 INITIAL TRAINING
SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

   (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.
404.3.2 UPDATED TRAINING
Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

404.3.3 SUPERVISION AND MANAGEMENT TRAINING
Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

404.3.4 SWAT ONGOING TRAINING
Training shall be coordinated by the CRU Commander. The CRU Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those members who are on vacation, ill, or are on light duty status with a doctor’s note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.

(d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the CRU Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

404.3.5 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.
404.3.6 SCENARIO BASED TRAINING
SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

404.3.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the Personnel and Training Unit. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

404.4 UNIFORMS, EQUIPMENT, AND FIREARMS

404.4.1 UNIFORMS
SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

404.4.2 EQUIPMENT
SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

404.4.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

404.5 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT
The Commander of the CRU shall be selected by the Chief of Police upon recommendation of staff.

404.5.1 PRIMARY UNIT MANAGER
Under the direction of the Chief of Police, through the Patrol Division Commander, the Crisis Response Unit shall be managed by a lieutenant.

404.5.2 TEAM SUPERVISORS
The Negotiation Team and each Special Weapons and Tactics Team will be supervised by a sergeant.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by staff and the CRU Commander.

The following represent the supervisor responsibilities for the Crisis Response Unit.

(a) The Negotiation Team supervisor's primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.
(b) The Special Weapons and Tactics Team supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.

404.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

404.6.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Division Commander. A copy will be forwarded to the CRU Commander and the Crisis Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the CRU Commander, the Crisis Negotiation Team supervisor, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.
(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
(c) Effective communication skills to ensure success as a negotiator.
(d) Special skills, training, or appropriate education as it pertains to the assignment.
(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

404.6.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member’s performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member
of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

404.7 SWAT TEAM ADMINISTRATIVE PROCEDURES
The Special Weapons and Tactics (SWAT) Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

404.7.1 SELECTION OF PERSONNEL
Interested sworn personnel who are off probation shall submit a Personnel Action Form through the chain to their appropriate Division Commander, a copy of which will be forwarded to the CRU Commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the CRU Commander. The testing process will consist of an oral board, physical agility, SWAT basic handgun, and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the CRU Commander. Applicants will be evaluated by the following criteria:
   1. Recognized competence and ability as evidenced by performance;
   2. Demonstrated good judgment and understanding of critical role of SWAT member;
   3. Special skills, training, or appropriate education as it pertains to this assignment; and,
   4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the CRU Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT basic handgun: Candidates will be invited to shoot the SWAT Basic Drill for the handgun. A minimum qualifying score of 400 out of a possible score of 500 must be attained to qualify.

(d) Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.
404.7.2 TEAM EVALUATION
Continual evaluation of a team member’s performance and efficiency as it relates to the positive operation of the unit shall be conducted by the CRU Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

404.8 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT
The following procedures serve as guidelines for the operational deployment of the Crisis Response Unit. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the CRU Commander.

404.8.1 ON-SCENE DETERMINATION
The supervisor in charge on the scene of a particular event will assess whether the Crisis Response Unit is to respond to the scene. Upon final determination by the Watch Commander, he/she will notify the CRU Commander.

404.8.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT
The following are examples of incidents which may result in the activation of the Crisis Response Unit:

(a) Barricaded suspects who refuse an order to surrender.
(b) Incidents where hostages are taken.
(c) Cases of suicide threats.
(d) Arrests of dangerous persons.
(e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

404.8.3 OUTSIDE AGENCY REQUESTS
Requests by field personnel for assistance from outside agency crisis units must be approved by the Watch Commander. Deployment of the Richmond Police Department Crisis Response Unit in response to requests by other agencies must be authorized by a Division Commander.

404.8.4 MULTI-JURISDICTIONAL SWAT OPERATIONS
The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOUs, or working relationships to support multi-jurisdictional or regional responses.
Crisis Response Unit

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.

(b) Members of the Richmond Police Department SWAT team shall operate under the policies, procedures and command of the Richmond Police Department when working in a multi-agency situation.

404.8.5 MOBILIZATION OF CRISIS RESPONSE UNIT
The On-Scene supervisor shall make a request to the Watch Commander for the Crisis Response Unit. The Watch Commander shall then notify the CRU Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Watch Commander's office by the CRU Commander. The Watch Commander will then notify the Patrol Division Commander as soon as practical.

The Watch Commander should advise the CRU Commander with as much of the following information which is available at the time:

(a) The number of suspects, known weapons and resources.

(b) If the suspect is in control of hostages.

(c) If the suspect is barricaded.

(d) The type of crime involved.

(e) If the suspect has threatened or attempted suicide.

(f) The location of the command post and a safe approach to it.

(g) The extent of any perimeter and the number of officers involved.

(h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The CRU Commander or supervisor shall then call selected officers to respond.

404.8.6 FIELD UNIT RESPONSIBILITIES
While waiting for the Crisis Response Unit, field personnel should, if safe, practical and sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team actions may include:
   1. Securing any subject or suspect who may surrender.
   2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.
(e) Attempt to establish preliminary communication with the suspect. Once the CRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

(f) Be prepared to brief the CRU Commander on the situation.

(g) Plan for, and stage, anticipated resources.

404.8.7 ON-SCENE COMMAND RESPONSIBILITIES
Upon arrival of the Crisis Response Unit at the scene, the Incident Commander shall brief the CRU Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the CRU Commander, whether to deploy the Crisis Response Unit. Once the Incident Commander authorizes deployment, the CRU Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Crisis Response Unit. The Incident Commander and the CRU Commander (or his or her designee) shall maintain communications at all times.

404.8.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL
All of those persons who are non-Crisis Response Unit personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Crisis Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his or her designee.
Ride-Along Policy

405.1 PURPOSE AND SCOPE
The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

405.1.1 ELIGIBILITY
The Richmond Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

405.1.2 AVAILABILITY
The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander, or Watch Commander.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG
Generally, ride-along requests will be scheduled by the Chief's Office. The Crime Prevention Manager is also peripherally involved in the scheduling process. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Chief's Office will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

405.2.1 PROGRAM REQUIREMENTS
Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.
Ride-Along Policy

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police cadets are covered in Policy Manual § 1048, "Police Cadet Program."

405.2.2 SUITABLE ATTIRE
Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

405.2.3 PEACE OFFICER RIDE-ALONGS
Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK
All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Richmond Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.D.3.).

405.3 OFFICER'S RESPONSIBILITY
The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Chief's Office (and/or Crime Prevention Manager) is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the ride-along form shall be returned to the Chief's Office with any comments which may be offered by the officer.

405.4 CONTROL OF RIDE-ALONG
The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the officer
(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.

(c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer’s duties.

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

(e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.

(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.
Hazardous Material Response

406.1 PURPOSE AND SCOPE
Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

406.1.1 HAZARDOUS MATERIAL DEFINED
A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

406.2 HAZARDOUS MATERIAL RESPONSE
Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).

(b) Notify the Fire Department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

(e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).

(f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

406.3 REPORTING EXPOSURE(S)
Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an administrative memorandum that shall be forwarded via chain of command to the division commander. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.
Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

406.3.1   SUPERVISOR RESPONSIBILITY
When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.
Hostages and Barricaded Suspects

407.1 PURPOSE AND SCOPE
Hostage situations and barricaded suspects present unique problems for agencies. The protection of the public and law enforcement personnel is of the utmost importance. Proper planning and training will tend to reduce the risks involved with these incidents.

407.1.1 DEFINITIONS
Hostage - A person held by one party in a conflict as security so that specified terms will be met by the opposing party.

Barricaded Suspect - A person who takes a position of cover or concealment or maintains a position in a structure and who resists capture by law enforcement personnel. A barricaded suspect may be armed or suspected of being armed.

407.2 HOSTAGE NEGOTIATIONS
Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded suspects. Trained hostage negotiators, however, will be permitted to exercise flexibility in each situation based upon the circumstances presented and consistent with their training.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by Policy Manual § 300, with particular regard directed toward the safety of hostages.

407.3 FIRST RESPONDER RESPONSIBILITY
Until the Incident Commander has been designated, the first officer on the scene of an actual or potential hostage/barricade situation shall consider the following:

(a) Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained personnel and/or trained hostage negotiation personnel;

(b) Notification of tactical and hostage negotiation personnel;

(c) Notification of appropriate persons within and outside the agency, such as command officers, dog handlers, or helicopter pilots;

(d) Establishment of inner and outer perimeters;

(e) Evacuation of bystanders and injured persons;

(f) Establishment of central command post and appropriate chain of command;

(g) Request for ambulance, rescue, fire and surveillance equipment;

(h) Authorization for news media access and news media policy;

(i) Pursuit/surveillance vehicles and control of travel routes.
407.4 REPORTING
Unless otherwise relieved by a supervisor, the initial officer at the scene is responsible for completion of reports or coordination of reports for the hostage/barricade incident.
Response to Bomb Calls

408.1 PURPOSE AND SCOPE
These guidelines have been prepared to assist officers in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

408.2 FOUND EXPLOSIVES/SUSPECT DEVICES
When handling an incident involving a suspected explosive device, the following guidelines should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(b) A minimum perimeter of 300 feet should be established around the device. An access point should be provided for support personnel.

(c) As much information as is available should be promptly relayed to the Watch Commander including:
   1. The stated threat.
   2. Exact comments.
   3. Time of discovery.
   4. Exact location of the device.
   5. Full description (e.g., size, shape, markings, construction) of the device.

(d) The device should not be touched or moved except by qualified bomb squad personnel.

(e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.

(f) Consideration should be given to evacuating any buildings near the device.

(g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.

Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.
Response to Bomb Calls

408.3 EXPLOSION/BOMBING INCIDENTS
When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding officers should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate precautions to mitigate scene hazards such as collapsed structures, bloodborne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.

408.3.1 NOTIFICATIONS
When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

(a) Fire Department
(b) Bomb Squad
(c) Additional officers
(d) Field supervisor
(e) Watch Commander
(f) Detectives
(g) Forensic Science Services

408.3.2 CROWD CONTROL
Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

408.3.3 SCENE OF INCIDENT
As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.
408.4 BOMB THREATS RECEIVED AT POLICE FACILITY
This procedure shall be followed should a bomb threat call be received at the police facility.

408.4.1 BOMB THREATS RECEIVED BY TELEPHONE
The following questions should be asked if a call of a bomb threat is received at the Police Department:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

408.4.2 RESPONSIBILITIES
The employee handling the call shall ensure that the Watch Commander is immediately advised and fully informed of the details. The Watch Commander will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate. The Watch Commander shall ensure that all bomb threats received at police facilities are documented in a crime report by the investigating officer. The Watch Commander shall make all appropriate notifications.

408.5 THREAT ASSESSMENT
The Watch Commander should carefully evaluate all bomb threats received at police facilities. One must consider the facts and the context of the bomb threat, and then conclude the probable
Response to Bomb Calls

threat level. Absent exigent circumstances, the on-scene or on-call lieutenant will make the final threat assessment and determine whether a police building will be evacuated.

a) **Low Risk:** Threat lacks realism. A threat that poses a minimum risk to the facility and public safety. Probable motive is to cause a disruption.
   1. Threat is vague and indirect.
   2. Information contained within the threat is inconsistent, implausible, or lacks detail.
   3. Caller is definitely known and has called numerous times.
   4. The threat was discovered instead of delivered (e.g. a threat written on a wall).

b) **Medium Risk:** Threat has an increased level of realism. Threat that could be carried out, although it may not appear entirely realistic.
   1. Threat is direct and feasible.
   2. Wording in the threat suggests the perpetrator has given some thought on how the act will be carried out.
   3. Threat may include indications of a possible place and time.
   4. No strong indication in the threat that the perpetrator has taken preparatory steps, although there may be some indirect reference pointing to that possibility.
   5. Indication the perpetrator has details regarding the availability of components needed to construct a bomb.
   6. Increased specificity to the threat (e.g. "I'm serious!") or "I really mean this!").

c) **High Risk:** Threat is specific and realistic. Threat appears to pose an immediate and serious danger to the safety of others.
   1. Threat is direct, specific, and realistic; may include names of possible victims, specific time, and location of device.
   2. Perpetrator provides his/her identity and/or affiliation (e.g. terrorist/anarchist group).
   3. Threat suggests concrete steps have been taken toward carrying out the threat.
   4. Perpetrator indicates they have practiced with a weapon or have had the intended victim(s) under surveillance.
   5. A real or suspected explosive device has been detected.

408.6 **SEARCHING FOR EXPLOSIVE DEVICES IN POLICE BUILDINGS**
The Richmond Police Department and Communications Center buildings are generally secure areas that are restricted from the public. This procedure shall be followed when a bomb threat
Response to Bomb Calls

targeting a police building is received and the threat is deemed medium or high risk. Only in cases where the threat level is determined to be HIGH-RISK shall police personnel order an evacuation.

a) Communicate situation to staff/personnel and request they make a quick and complete visual scan of their personal workspace for anything unusual.

b) Searches of target buildings should be conducted with the direct assistance of employees or others knowledgeable of the contents and layout of the building.

c) The Watch Commander will formulate a search plan identifying the extent of the search and supervise the systematic search of the facility.

d) At no time will officers turn on/off any light switches during a search.

e) The exterior of the building should be searched carefully, including bushes, garbage cans, basement, and any possible hiding spaces.

f) The interior search should consist of a detailed search of individual storage rooms, electrical areas, and any areas accessible to the public.

g) When conducting a search, officers should be particularly alert to the items listed below as indicators that there may be explosives at the location. Officers should be cautioned that absence of the following does not assure there is no bomb present.

1. Suspicious vehicles, carts, motorcycles, or bicycles parked unusually close to buildings.

2. Explosives related pamphlets, periodicals and books.

3. Galvanized or PVC pipes that appear out of place, especially if they have drill holes in the end caps.

4. Low-explosive powders or other incendiary mixtures.

5. Fuses of any type, to include homemade burning fuses such as string soaked in gun powder or gasoline.

6. Electrical switches, matches, blasting caps, or similar initiators.

7. Any bags or boxes that appear out of place.

8. Propane tanks, pressure cookers, suspicious metallic cylinders.

9. Unusual sounds, vapors, mists, or odors.
Mental Illness Commitments

409.1 PURPOSE AND SCOPE
This procedure describes an officer’s duties when a person is to be committed to a mental health unit pursuant to Welfare and Institutions Code § 5150. The commitment of a person under § 5150 does not constitute an arrest. If an officer believes that a person falls within the provisions of Welfare and Institutions Code § 5150, he/she shall have that person transported Merrihew Hospital (Contra Costa Regional Hospital) for evaluation and commitment.

409.2 AUTHORITY
Pursuant to Welfare and Institution Code § 5150 when any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, or other individual authorized by statute may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person’s condition was called to the attention of the officer, or other individual authorized by statute has probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself or herself, or gravely disabled. If the probable cause is based on the statement of a person other than the officer, or other individual authorized by statute, such person shall be informed that they may be liable in a civil action for intentionally giving a statement which he or she knows to be false.

409.3 OFFICER CONSIDERATIONS AND RESPONSIBILITIES
Any officer responding to or handling a call involving a suspected mentally disabled individual or an involuntary mental illness commitment should consider utilizing the following as time and circumstances reasonably permit:

(a) Any available information that might assist in determining the cause and nature of the mental illness or developmental disability.
(b) Conflict resolution and de-escalation techniques.
(c) Language that is appropriate for interacting with a mentally disabled person.
(d) If circumstances permit, alternatives to deadly force.
(e) Any available community resources that can assist in dealing with a mentally disabled individual.

409.3.1 MENTAL HEALTH DOCUMENTATION
The officer will complete an Application For 72-Hour Detention for Evaluation and Treatment form (MH-302) and provide it to the paramedic or transporting ambulance personnel. The officer will retain a copy of the 72-hour evaluation for inclusion in the case report. The officer shall also provide...
Mental Illness Commitments

a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

409.3.2 SECURING OF WEAPONS
If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

409.4 MENTALLY ILL PERSON CHARGED WITH A CRIME
When practical, any person charged with a crime who also appears to be mentally ill shall be booked at the Richmond Police Department before being transported to the authorized facility. If the person has injuries or some other medical condition, he/she may be taken directly to the hospital with the approval of a supervisor.

409.5 CONFISCATION OF FIREARMS AND OTHER WEAPONS
Whenever a person has been detained or apprehended for examination pursuant to Welfare and Institutions Code § 5150, the handling officer should seek to determine if the person owns or has access to any firearm or other deadly weapon. Any such firearm or other deadly weapon should be confiscated in a manner consistent with current search and seizure law (Welfare and Institutions Code § 8102(a)).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent) (Penal Code § 1524).

For purposes of this section, deadly weapon means any weapon, the possession of which or carrying while concealed, is prohibited by Penal Code § 19100; 21310.

The officer taking custody of any firearm or other deadly weapon shall issue the individual possessing such weapon a receipt, fully describing the weapon (including any serial number) and indicating the location where the weapon may be recovered, along with any applicable time limit for recovery (Penal Code § 33800).

The handling officer shall further advise the person of the below described procedure described below for the return of any firearm or other deadly weapon which that has been confiscated (Welfare and Institutions Code § 8102(a)). For purposes of this section deadly weapon means any weapon that the possession of or carrying while concealed is prohibited by Penal Code § 19100; 21310.

409.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS
(a) Whenever the handling officer has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigations Division which shall be responsible for initiating a petition to the superior
Mental Illness Commitments

court for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.

(b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon(s).

(c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.

(d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 33865.

(e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

409.6 TRAINING
As a part of advanced officer training programs, this agency will endeavor to include POST approved training on interaction with mentally disabled persons as provided by Penal Code § 13515.25.
Cite and Release Policy

410.1 PURPOSE AND SCOPE
Penal Code § 853.6 requires law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions. The State Legislature has shown the intent to release all persons on misdemeanor citations, if qualified for such release.

410.2 STATUTORY REQUIREMENTS
Citation releases are authorized by Penal Code § 853.6. Release by citation for misdemeanor offenses can be accomplished in two separate ways:

(a) A field release is when the violator is released in the field without being transported to a jail facility.
(b) A jail release is when a violator is released after being transported to the jail and booked.

410.2.1 DISCRETION TO ARREST
While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the City, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

410.3 DEPARTMENT PROCEDURE
The following procedure will be followed to comply with this law.

410.3.1 FIELD CITATIONS
In most misdemeanor cases an arrestee 18 years or older may be released on citation provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6 and Penal Code § 1270.1).
410.3.2 JAIL RELEASE
In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail, with Watch Commander approval.

Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless disqualified for reasons listed below.

410.3.3 DISQUALIFYING CIRCUMSTANCES
A person arrested for a misdemeanor shall be released on a notice to appear unless one of the following situations is present (Penal Code § 853.6(i)):

(a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety

1. The Richmond Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).

(c) The person is arrested for one or more of the offenses listed in Vehicle Code §§ 40302, 40303 and 40305.

1. Any person arrested for any offense listed in Vehicle Code § 40303(b) shall, in the judgment of the arresting officer, either be given a 10 day notice to appear or be taken without delay before a magistrate in the county of arrest.

2. If a person under Vehicle Code §§ 40303 or 40305 does not have satisfactory identification, the officer may require the individual to provide a right thumbprint (or other finger). However such print may not be used for other than law enforcement purposes.

3. Should any person arrested on a notice to appear claim under penalty of perjury not to be the person listed in the notice, such person may request that his/her thumbprint be taken for comparison at a fee not to exceed the actual cost of such service.

(d) There are one or more outstanding arrest warrants for the person.

(e) The person could not provide satisfactory evidence of personal identification.

(f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
(g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented.

(j) The charges fall under Penal Code § 1270.1 (serious or violent felonies, domestic violence, etc.)

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Section.

410.3.4 OTHER REASONS FOR NON-RELEASE
If the person arrested is not released for one or more of the reasons specified in Policy Manual § 420.33, the Watch Commander shall state specifically on the booking form the reason for non-release. Such reasons for non-release may include:

(a) Previous failure to appear is on record

(b) The person lacks ties to the area, such as a residence, job, or family

(c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

410.3.5 INSTRUCTIONS TO CITED PERSON
The citing officer shall, at the time he/she asks the defendant to sign the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

410.4 CITATION RELEASE ON MISDEMEANOR WARRANTS
Penal Code § 827.1 allows the release by citation of a person designated in a warrant of arrest unless one of the following conditions exist:

(a) The misdemeanor cited in the warrant involves violence

(b) The misdemeanor cited in the warrant involves a firearm

(c) The misdemeanor cited in the warrant involves resisting arrest

(d) The misdemeanor cited in the warrant involves giving false information to a peace officer

(e) The person arrested is a danger to himself or herself or others due to intoxication or being under the influence of drugs or narcotics
(f) The person requires medical examination or medical care or was otherwise unable to care for his or her own safety
(g) The person has other ineligible charges pending against him/her
(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person
(i) The person refuses to sign the notice to appear
(j) The person cannot provide satisfactory evidence of personal identification
(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear

Release under this section shall be done in accordance with the provisions of this section.

410.5 JUVENILE CITATIONS
Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

• Misdemeanor traffic violations of the Vehicle Code
• Violations of the Richmond City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigations Division for further action including diversion.

410.6 REQUESTING CASE NUMBERS
Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.
Foreign Diplomatic and Consular Representatives

411.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that members of the Richmond Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY
The Richmond Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

411.3 CLAIMS OF IMMUNITY
If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify an on-duty supervisor.
(b) Advise the person that her/his claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person’s status.
(c) Request the person’s identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETs), designating “US” as the state.
411.4 ENFORCEMENT
If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members.
2. Diplomatic agents and recognized family members.
3. Members of administrative and technical staff of a diplomatic mission and recognized family members.
4. Career consular officers, unless the person is the subject of a felony warrant.

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations.
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers.
5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have her/his government notified of the arrest or detention (Penal Code § 834c). If the individual wants her/his government notified, the officer shall begin the notification process.
411.5 DOCUMENTATION
All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

411.6 DIPLOMATIC IMMUNITY TABLE
Reference table on diplomatic immunity:

<table>
<thead>
<tr>
<th>Category</th>
<th>Arrested or Detained</th>
<th>Enter Residence Subject to Ordinary Procedures</th>
<th>Issued Traffic Citation</th>
<th>Subpoenaed as Witness</th>
<th>Prosecuted</th>
<th>Recognized Family Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diplomatic Agent</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Member of Admin and Tech Staff</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Service Staff</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability (note (a))</td>
</tr>
<tr>
<td>Career Consul Officer</td>
<td>Yes if for a felony and pursuant to a warrant (note (a))</td>
<td>Yes (note (d))</td>
<td>Yes</td>
<td>No for official acts. Testimony may not be compelled in any case</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Honorable Consul Officer</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise</td>
<td>No for official acts. Yes otherwise</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Consulate Employees</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise</td>
<td>No for official acts. Yes otherwise</td>
<td>No immunity or inviolability (note (a))</td>
</tr>
<tr>
<td>Int’l Org Staff (note (b))</td>
<td>Yes (note (c))</td>
<td>Yes (note (c))</td>
<td>Yes</td>
<td>Yes (note (c))</td>
<td>No for official acts. Yes otherwise (note (c))</td>
<td>No immunity or inviolability</td>
</tr>
</tbody>
</table>
Diplomatic-Level Staff of Missions to Int’l Org | No (note (b)) | No | Yes | No | No | Same as sponsor (full immunity & inviolability)  
Support Staff of Missions to Int’l Orgs | Yes | Yes | Yes | Yes | No for official acts | Yes otherwise | No immunity or inviolability  

Notes for diplomatic immunity table:
(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

411.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY
These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:
(a) There is a valid warrant issued for the person’s arrest.
(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance.

Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S., unless the undocumented entry is committed in the officer’s presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers. Officers shall not stop or detain persons solely for determining immigration status.

International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S. Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. (Penal Code § 834c). If the individual wants her/his government notified, the officer shall begin the notification process.
411.7.1 ARREST PROCEDURE
Whenever an officer physically arrests or detains an individual for criminal investigation and the
officer reasonably believes the person to be a foreign national, the officer shall inquire to determine
the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the
individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the
individual that he/she has a right to have the nearest appropriate embassy or consulate notified

If the individual requests such notification, the officer shall contact the Communications Center
as soon as practical and request the appropriate embassy/consulate be notified. Officers shall
provide the Communications Center with the following information concerning the individual:

(a) Country of citizenship
(b) Full name of individual, including paternal and maternal surname, if used
(c) Date of birth or age
(d) Current residence
(e) Time, date, place, location, of incarceration/detention and the 24-hour telephone
number of the place of detention.

If the individual claims citizenship of one of the countries for which notification of the consulate/
embassy is mandatory, officers shall provide the Communications Center with the information
above as soon as practicable, regardless of whether the individual desires that the embassy/
consulate be notified. This procedure is critical because of treaty obligations with the particular
countries. The list of countries and jurisdictions that require notification can be found on the U.S.
Department of State website.

411.7.2 DOCUMENTATION
Based on the information received from the arrested foreign national, officers shall make the
appropriate notations on the Contra Costa County Booking Authority form. If the arrested foreign
national requests that her/his embassy/consulate be notified, the date and time this information
was relayed to the Communications Center should be listed in the narrative portion of the arresting
officer's preliminary investigation.
Rapid Response And Deployment Policy

412.1 PURPOSE AND SCOPE
Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers as they make decisions in these rapidly unfolding and tense situations.

412.2 POLICY
The policy of this department in dealing with the crisis situation shall be:

(a) To obtain and maintain complete operative control of the incident.

(b) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.

(c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).

(d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.

(e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or serious injury.

412.3 PROCEDURE
If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action officers should consider:

(a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more officers whenever reasonably possible.

(b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.

(c) Whether the officers have the ability to effectively communicate with others in the field.

(d) Whether planned tactics can be effectively deployed.
(e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

(f) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

(g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.
Reporting Police Activity Outside of Jurisdiction

413.1 PURPOSE AND SCOPE
This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Richmond Police Department.

413.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY
When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Watch Commander. If the request is of an emergency nature, the officer shall notify Communications Center before responding and thereafter notify a supervisor as soon as practical.

413.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY
Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of the Richmond shall notify his or her supervisor or the Watch Commander at the earliest possible opportunity. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the Watch Commander as soon as practical.

The supervisor shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded to the officer's Division Commander.
Immigration Violations

414.1 PURPOSE AND SCOPE
It is the policy of the Richmond Police Department (RPD) to foster trust and cooperation with all people of the city and to encourage them to communicate with RPD officers without fear of inquiry regarding their immigration status. It is also department policy, consistent with its obligations under state and federal law, to adhere to the City of Richmond Ordinance 2990. This ordinance prohibits the use of City resources to assist in the enforcement of federal immigration laws without the specific authorization of the City Manager or the Chief of Police.

414.2 DEPARTMENT POLICY
The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code dealing with illegal entry.

When assisting ICE at its specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of 8 USC § 1304; 8 USC § 1324; 8 USC § 1325 and 8 USC § 1326, this department may assist in the enforcement of federal immigration laws.

414.2.1 IMMIGRATION "SWEEPS" AND SPECIAL ENFORCEMENT EFFORTS
The Richmond Police Department does not conduct immigration "sweeps" or engage in other concentrated efforts to identify or detain suspected undocumented individuals.

Equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnic group, age group, gender, socioeconomic status, immigration status, or other group when enforcement efforts are increased in any particular area of the city.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, sexual orientation, immigration status, etc.

414.2.2 ICE REQUEST FOR ASSISTANCE
If the U.S. Immigration and Customs Enforcement (ICE) requests assistance from this department for support services, such as traffic control or "keep the peace" efforts, authorization must be obtained from the Chief of Police.

RPD officers shall not participate in ICE operations such as immigration "sweeps", or activities related to immigration issues, other than as emergency backup.

414.2.3 BOOKING
If the officer is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.

A person detained exclusively pursuant to the authority of Vehicle Code § 40302(a) for any Vehicle Code infraction or misdemeanor shall not be detained beyond two hours for the purpose of
establishing his/her true identity. Regardless of the status of that person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction or misdemeanor involved.

414.2.4 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT
It is the policy of the City of Richmond and the Richmond Police Department that the Department shall not comply with Immigration and Customs Enforcement (ICE) hold "requests" or ICE detainers. Arrested persons shall not be held for these hold/retainer "requests." ICE has no legal authority to require compliance with these "requests." The Department shall comply with federal arrest warrants or orders signed by a judge.

ICE personnel shall not be allowed access to the Richmond Police Department Detention Unit (Temporary Holding Facility) unless they are there to pick up a prisoner on a federal warrant or order signed by a judge.

Richmond Police Department personnel shall not notify ICE of individuals who are taken into custody. If an arrested person meets Richmond Police Department criteria to be transported and booked into the County Jail, that person may be subject to an ICE hold or detainer "request" once he or she is booked into the county Jail based on the Contra Costa County Sheriff's Department's policy which provides ICE personnel access to the County Jail and shares information with ICE.

ICE personnel shall not be permitted access to any Richmond Police Department records, including booking sheets, booking logs, or police reports unless they have the approval of a Lieutenant or Chief of Police.

Any deviations from this policy shall require the approval of a Lieutenant or the Chief of Police.

414.3 PROCEDURES FOR IMMIGRATION COMPLAINTS
In October 2000, the United States Congress passed the Victims of Trafficking and Violence Prevention Act. As part of this Act, Congress sought to strengthen the ability of local law enforcement agencies to detect, investigate, and prosecute crimes against nonresident foreigners. In cases in which the victims are nonresident foreigners, their immigration status in the United States can directly affect their ability to cooperate and assist local law enforcement in the investigation and prosecution of these crimes.

Nonresident foreign victims usually need to be in the United States to be accessible to provide information and testimony as part of an investigation or prosecution. Nonresident foreign victims may also need a place of refuge so they can avoid returning to the same environment in another country where they might be exposed to further crimes. For this reason, Congress created a specific avenue for nonresident foreign crime victims to obtain lawful temporary immigrant status. This was accomplished by amending certain sections of the Immigration and Nationality Act (INA) to create the "U Visa." The Richmond Police Department participates in the U Visa Program.

414.3.1 BASIS FOR CONTACT
(a) Temporary Visa - allowing the victim to remain in the U.S. for up to four (4) years
Immigration Violations

(b) After three (3) years, the victim can apply for permanent residency
(c) Victim may legally work in the U.S.; and
(d) Nation-wide, a total of only 10,000 U-Visas are issued annually.
(e) Except for those cases protected under California Penal Code Section 293, U-Visa information/records are subject to the Public Records Access Act.

414.3.2 SWEEPS
In order for a Form I-918, Supplement b to be completed and certified by the Department, the facts of the case under investigation must demonstrate the following:

(a) The non-resident foreign victim has been, is being, or is likely to be "helpful" to an RPD investigation. For the purposes of this policy, the victim is described as being "helpful" when he/she:
   1. Possesses and furnishes vital information about a qualifying crime;
   2. Demonstrates continual cooperation during the investigation and/or prosecution;
   3. Assists investigators with gathering additional vital information; and
   4. Makes him/herself available to investigators.

(b) The non-resident foreigner was a victim of an actual crime (listed in subpart C. below) which took place in the United States.
   1. If there is no Richmond connection (e.g., the Department has not and does not plan to open an investigation), the request shall be returned to the requester with instructions to forward to the appropriate investigating or charging agency.
   2. If a prior investigation and related criminal case has been closed and the date of the incident exceeds the statute of limitations, the Department shall not process the request without first consulting with the District Attorney's Office.

(c) The non-resident foreign victim sustained physical injury or mental abuse and the crime was one of the following:
   1. Rape;
   2. Torture;
   3. Trafficking;
   4. Incest;
   5. Domestic violence;
   6. Sexual assaults;
   7. Abusive sexual contact;
   8. Prostitution, sexual exploitation;
Immigration Violations

9. Female genital mutilation;
10. Abduction;
11. Unlawful criminal restraint;
12. False imprisonment;
13. Blackmail;
14. Extortion;
15. Manslaughter;
16. Murder;
17. Felonious assault;
18. Witness tampering;
19. Obstruction of justice;
20. Perjury or attempt;
21. Conspiracy; or
22. Solicitation to commit any of the above mentioned crimes.

(d) The decision to complete the certification of Form I-918, Supplement B, is based solely on these qualifiers. If the application does not satisfy these criteria, the Form shall be returned to the requester uncompleted and "un-signed."

414.3.3 ICE REQUEST FOR ASSISTANCE

The Richmond Police Department’s U-Visa program is managed by the Lieutenant assigned to the Criminal Investigations Section. A petition for a U-Visa from the U.S. Citizenship and Immigrations Services must be completed on DHS Form I-918 by the assigned investigator or the assigned prosecutor and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa to be issued.

Any request for assistance in applying for U-Visa status should be forwarded in a timely fashion to the Investigations Division Lieutenant assigned to supervise the handling of any related case. The Investigations Division Lieutenant should do the following:

- Consult with the assigned detective to determine the current status of any related case and whether an update on the case is warranted.
- Review the instructions for completing the certification if necessary. Instructions for completing Form I-918 can be found on the DHS website at http://www.uscis.gov/portal/site/uscis.
- Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification has not already been completed and that certification is warranted.
**Immigration Violations**

- Timely address the request and complete the certification if appropriate.
- Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed certification in the case file.

### 414.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE

The Richmond Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. Generally, if an officer suspects that a victim or witness is an undocumented immigrant, the officer need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

Nothing in this policy is intended to restrict officers from exchanging legitimate law enforcement information with any other federal, state or local government entity (8 USC § 1373; 8 USC § 1644).

#### 414.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U); 8 USC § 1101(a)(15)(T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. DHS Form supplements (I-918 or I-914) by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Investigations Division Lieutenant assigned to supervise the handling of any related case. The Investigations Division Lieutenant should do the following:

(a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.

(b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website.

(c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.
(d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.

(e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed declaration/certification in the case file.
Patrol Rifles

415.1 PURPOSE AND SCOPE
In order to more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Richmond Police Department (RPD) will make patrol rifles available to qualified patrol officers as an additional and more immediate tactical resource.

415.2 PATROL RIFLE

415.2.1 DEFINITION
A patrol rifle is an authorized weapon which is used by properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun.

415.3 SPECIFICATIONS
Only ammunition that meet RPD specifications, approved by the Chief of Police, and issued by the Department may be used by officers in their law enforcement responsibilities. The authorized patrol rifle for the Department is the AR-15 / M-4 Style, 16” barrel rifle chambered in .223 / 5.56 x 45 mm.

415.4 RIFLE MAINTENANCE
(a) Primary responsibility for maintenance of patrol rifles shall fall on the individual officer, who shall inspect and service his/her patrol rifle on a monthly basis.
(b) Each patrol officer carrying a patrol rifle will be required to field strip and clean an his/her patrol rifle as needed.
(c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
(d) Each patrol rifle shall be subject to inspection by a supervisor or the Armorer at any time (minimally on an annual basis).
(e) No modification shall be made to any patrol rifle without prior written authorization from the Armorer.

415.5 TRAINING
Officers shall not carry or use the patrol rifle unless they have successfully completed departmental training. This training shall consist of an initial 40-hour patrol rifle user’s course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete quarterly training and qualification conducted by a certified patrol rifle instructor.

Any officer who fails to qualify or who fails to successfully complete two or more department sanctioned training/qualification sessions within a calendar year will no longer be authorized...
to carry the patrol rifle without successfully retaking the initial patrol officers user's course and qualification.

Officers who are authorized to use his/her patrol rifle during approved external training shall return the patrol rifle to the approved storage locker after the end of that training session unless otherwise approved by a supervisor or department Armorer.

415.6 DEPLOYMENT OF THE PATROL RIFLE
Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

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

415.7 DISCHARGE OF THE PATROL RIFLE
The discharge of the patrol rifle shall be governed by the Department's Deadly Force Policy, Policy Manual § 300.2 and Shooting Policy, Policy Manual § 300.5.

415.8 PATROL READY
Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

415.9 RIFLE STORAGE
(a) When not in use, patrol rifles will be stored/locked either at the Police Department or at the individual officer's private residence.
Patrol Shotgun

416.1 PURPOSE AND SCOPE
Capable of multiple different payloads, shotguns, by design, are most versatile weapons in the police armory. Two different shotgun types and three different action systems are authorized for utilization by sworn Richmond Police Personnel. The two different shotgun types shall be designated as Lethal and Less Lethal. The three action systems shall be identified as Pump-Action, Gas-Operation and Inertia-Operated firing systems. All qualified Richmond Police Officers may deploy Lethal shotguns as authorized by law and this policy; however, only those personnel who have been trained and certified by the PFI may deploy Less-Lethal munitions.

416.2 PATROL SHOTGUN

416.2.1 DEFINITION
The shotgun is an authorized weapon which is used by properly trained and qualified officers as a supplemental resource to their duty handgun and patrol rifle. Personally owned shotguns may be carried for patrol duty when preapproved in writing by the Chief of Police or designee, and the Department Armorer.

416.3 SPECIFICATIONS
Authorized pump-action shotguns for use by Richmond Police personnel are the Remington 870 and the Mossberg 500/590 series; authorized Gas-Operation shotguns for use by Richmond Police personnel are the Remington 1100 and 11-87 series; authorized Inertia-Operated shotguns for use by Richmond Police personnel are the Benelli M-1 and Mossberg 930 series; or, other shotguns of reputable manufacturer which have been inspected and approved by the Department Armorer.

All shotguns shall be equipped with bead or metallic sights. Personally owned shotguns may be modified to accept collapsible stocks, accessory rails, white lights, fore grips, and magnifying optics; however, when optics are used, the officer must qualify with the iron sights and the optics separately. Barrel length for all personally owned shotguns shall be not less than 18 inches.

Officers assigned to SWAT or HRET may utilize their department owned and issued short-barrel shotgun as an alternative to the authorized 14, 18 or 20 inch barreled versions authorized for patrol.

The caliber for all Richmond Police shotguns shall be 12 gauge.

Lethal ammunition shall be 12 gauge, 2 inch, 9 pellet 00-Buck or 1oz slugs of approved manufacture.

Less-Lethal ammunition shall consist of drag-stabilized kinetic energy impact rounds, frangible breaching rounds, powder or liquid OC, CN or CS irritant rounds of approved manufacture. All Less-Lethal shotguns shall be clearly marked and identified by bright orange colored furniture;
and, said shotguns shall be prohibited from use with 00-Buck, 1oz slugs or other ammunition designated as Lethal.

416.4 SHOTGUN MAINTENANCE

(a) It shall be the responsibility of the officer utilizing the shotgun to insure that it remains in serviceable condition;

(b) Officers locating damage or excessive wear during inspection of their shotgun shall promptly report said damage to the Department Armorer for rectification;

(c) Officers experiencing malfunction during use shall report the malfunction to the Department Armorer for rectification as soon as practical;

(d) Each shotgun shall be subject to inspection by a supervisor or the Armorer at any time;

(e) No modification shall be made to the firing system, trigger or action of any shotgun without prior authorization from the Armorer.

416.5 TRAINING

Lethal: Officers shall not carry or use any shotgun unless they have successfully completed Departmental training. Officers shall be required to successfully complete quarterly training and qualification conducted by a Richmond Police Firearms Instructor.

Less-Lethal: Officers shall not carry or use any less-lethal device unless they have successfully completed Departmental training or approved external training. Officers shall be required to successfully complete annual training and qualification conducted by a certified instructor in order to maintain their authority to deploy less-lethal devices.

Any officer who fails to qualify or who fails to successfully complete two or more department sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the shotgun or less-lethal device without successfully retaking the initial training and qualification.

416.6 DEPLOYMENT OF THE PATROL SHOTGUN

Officers may deploy the patrol shotgun in any circumstance where the officer can reasonably articulate an expectation that its increased hit probability, penetration or ability to deliver specialty munitions may be needed.

416.7 DISCHARGE OF THE PATROL SHOTGUN

The discharge of the shotgun shall be governed by the Department’s Use of Force/ Firearms/ Control Devices, Policy Manual § 300
416.8 PATROL READY
Any qualified officer carrying a shotgun in the field shall maintain the weapon in a patrol ready condition until deployed. A shotgun shall be considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty and the magazine is fully loaded.

416.9 SHOTGUN STORAGE
Officers shall be aware that negligent storage of a firearm could result in criminal prosecution under Penal Code § 12035. Officers shall ensure that all firearms and ammunition are secured in a reasonable manner that will prohibit children from gaining access.

Firearms should not be stored in personal vehicles; nor should they routinely be stored in Departmental vehicles overnight, unless said Department vehicle is equipped with a storage vault specifically designed to secure said firearms. Firearms must be removed and stored safely prior to any vehicle being released to any service station or garage.
Aircraft Accidents

417.1 PURPOSE AND SCOPE
This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification, and documentation.

417.2 RESPONSIBILITIES
In the event of an aircraft crash the employee responsibilities are as follows:

417.2.1 OFFICER RESPONSIBILITY
Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field officer at the scene of an aircraft accident include the following:

(a) Determine the nature and extent of the accident.

(b) Request additional personnel and other resources to respond as needed.

(c) Provide assistance for the injured parties until the arrival of Fire Department personnel and/or other emergency personnel.

(d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.

(e) Provide crowd control and other assistance until directed otherwise by a supervisor.

(f) Ensure the Coroner's office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The Fire Department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.
Aircraft Accidents

417.2.2 NATIONAL TRANSPORTATION SAFETY BOARD
The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

417.2.3 THE COMMUNICATIONS CENTER RESPONSIBILITIES
Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

(a) Fire Department
(b) The affected airport tower
(c) Closest military base if a military aircraft is involved
(d) Ambulances or other assistance as required

When an aircraft accident is reported to the Police Department by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

417.2.4 RECORDS MANAGER RESPONSIBILITIES
The Records Supervisor is responsible for the following:

(a) Forward and maintain an approved copy of the accident report to the California Department of Aeronautics
(b) Forward a copy of the report to the Patrol Division Commander and the manager of the affected airport
417.2.5 PUBLIC INFORMATION OFFICER RESPONSIBILITIES
The Department Public Information Officer is responsible for the following:

(a) Obtain information for a press release from the on-scene commander or his or her designee

(b) When practical, the Department Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the Media

Information released to the press regarding any aircraft accident should be handled by the Department Public Information Officer or in accordance with existing policy.

417.3 DOCUMENTATION
Any aircraft accident (crash) within the City, regardless of whether injuries or deaths occur, shall be documented.
Probationary Review Board

418.1 PURPOSE AND SCOPE
The Probationary Review Board (PRB) will conduct regular reviews of the performance of non-supervisory, probationary sworn police officers.

418.1.1 AUTHORITY
(a) The PRB has the authority to review and comment on all performance evaluations of probationary employees as to the evaluation process and manner in which we use the evaluation. The PRB can recommend any change deemed necessary in the process or use of performance evaluations to the Chief of Police.

(b) The PRB has the authority to summon any probationary or tenured employee, or trainer or supervisor to appear before the PRB regarding an employee review.

(c) The PRB has the authority to return completed performance evaluations for clarification or correction when appropriate.

418.1.2 FUNCTION
The PRB will review the performance evaluations of probationary employees, to include: Police Academy evaluations and test result, weekly packages including daily evaluations during the training period, mid-term and final evaluations. The PRB will also review quarterly performance evaluations of probationary employees.

418.1.3 PROBATIONARY REVIEW BOARD APPEARANCES
The PRB has the option of summoning probationary employees to appear before the board any time during the probationary period. The PRB will summon recruit officers to appear upon completion of the Police Training Program, which includes mandatory appearances for Mid-Term Evaluation, Final Evaluation, and End of Probation:

(a) Mid-term Appearance: The PRB will schedule this appearance for review with the probationary employee. When appropriate, identified problems are to be discussed and a course of corrective action put into place. The employee will have the opportunity to voice concerns or conflicts regarding the training process. The PRB will ensure necessary measures are in place to provide proper and effective training for the employee, including recommending extension or rejection from the police training program, to the Chief of Police. The PRB may summon trainers or direct supervisors of the employee to this review. The PRB will make recommendations to the Chief of Police, when necessary, to correct identified problems.

(b) Final Evaluation: An overall appraisal of the probationary employee's training will occur. The PRB may summon trainers and direct supervisors to appear at this meeting. The PRB will assess the employee's performance during the training process, and, for recruit officers, the PTO'S final training evaluation and recommendation. The PRB will recommend an extension or rejection from field training to the Chief of Police, taking into consideration the PTO'S recommendation.
Probationary Review Board

concerning the recruit officer. The PRB may also make additional recommendations related to the continued growth and development of the employee.

If recommendation for rejection from the probation has been made concerning a recruit officer, this appearance will also serve as a hearing for the recruit officer. The recruit officer may, at this appearance, exercise rights and protections afforded under the current memorandum of understanding with the employee's bargaining unit. The recruit officer will have an opportunity to respond to the PTO'S recommendation, the board's inquiry, and explain his or her position.

(c) Twelfth-Month Appearance: This appearance is optional as determined by the PRB for recruit officers. It is to review all performance evaluations to date, the employee's job performance and any other written material related to the employee's job performance since being released from training. The PRB may also make suggestions related to the employee's continued growth and development.

(d) End of Probation Appearance: This appearance is mandatory for all probationary police officers. It is for review of all performance evaluations to date, the employee's job performance and any other written material related to the employee's job performance since released from field training. The PRB will make a final recommendation to the Chief of Police of either retention with permanent status or rejection from probation. The PRB may also make suggestions related the employee's continued growth and development.

418.1.4 PROBATIONARY REVIEW BOARD COMPOSITION
The PRB will consist of seven (7) members; maintaining ethnic, racial, and gender diversity of personnel. A quorum exists when at least three (3) voting members are assembled.

(a) Chairperson (1 Captain): The Chief of Police will appoint a Captain to chair the PRB.

(b) Board Members (3 Lieutenants): The Chief of Police will designate the Police Training Manager, the Compliance/Oversight Lieutenant, and an additional lieutenant assigned to the Policing Bureau to serve as members of the PRB.

(c) Board Members (3 Sergeants): The Chief of Police will appoint three sergeants to serve as members of the PRB; the Training Sergeant, and two (2) sergeants from the Policing Bureau.

(d) Sergeant, Training Section: The Training Section Sergeant will also serve in a support capacity to the PRB, responsible for assembling submitted written material, summoning personnel to appear before the board, and preparing and distributing documents of board proceedings.

(e) Richmond Police Officer's Association (RPOA): The RPOA will be allowed to have one member attend the PRB meeting. The RPOA member who attends the meeting is not a voting member and will be allowed to participate in the PRB as an observer only.

418.1.5 PROBATIONARY REVIEW BOARD MEETINGS
(a) The PRB will assemble for meeting upon direction of the chairperson or on the recommendation of the PTO Program Coordinator or Training Sergeant.
Probationary Review Board

(b) PRB members are not to discuss sensitive information or other probationary employee issues with non-PRB members unless directed to do so by the PRB Chairperson or the Chief of Police.

(c) The Administrative Division will coordinate distribution of employee performance evaluations to coincide with the regular meetings of the PRB.

(d) Final Probationary Performance Evaluations for police officers are to be distributed forty-five (45) days before the date of the employee's end of probation. The affected Division Commander will ensure its return to the Administrative Division at least ten (10) days before the date of the employee's end of probation.

(e) Acceptable attire for the Probationary Review Board will be class B uniform or business attire.

418.1.6 DOCUMENTATION OF BOARD MEETINGS
(a) The Training Sergeant (or in his/her absence, the Chairperson or designee) will document meetings of the PRB. The Training Section will maintain a file of the reports generated.

(b) Material reviewed by the board should be returned to the Administrative Division or forwarded to the appropriate repositories.

(c) The Chairperson of the PRB will submit a synopsis of the meetings and results of a board vote to the Chief of Police.
P.T.O (Police Training Officer) Program

419.1 PURPOSE AND SCOPE
The purpose of the PTO program is to train newly hired sworn personnel who have completed the basic academy course.

419.1.1 ORGANIZATIONAL STRUCTURE
Responsibility for program administration is assigned to the Patrol Division Command working in conjunction with the Administration Division Training Unit.

419.1.2 CRITERIA FOR NEW OFFICER ASSIGNMENTS TO THE PROGRAM
(a) A police trainee who has completed a basic academy course or who has less than two (2) years of law enforcement experience prior to employment with the Department will be assigned to the PTO program.

(b) A lateral Officer who has more than two (2) years of law enforcement experience prior to employment with the Department may be assigned to a modified police training program.

(c) Release from the program will be determined by the Chief of Police based upon the recommendations of the PTO, the Probationary Review Board, and the trainee or lateral Officer.

419.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING
The Police Training Officer (PTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

419.2.1 SELECTION PROCESS
To enhance the in-service training program, a Police Officer may be selected as a Training Officer based on his or her performance record. No trainee shall be assigned to a Trainer before the Trainer has successfully completed a Problem-Based-Learning Police Training Officer course.

(a) Minimum qualifications to apply for selection as a PTO are as follows:
   1. Thirty (30) months of service as a Richmond Police Officer
   2. Two (2) most recent evaluations document performance levels that meet or exceed standards in all performance dimensions.
   4. No substantiated force, racially abusive conduct, or sexual harassment complaints in the past two (2) years.
   5. A particular emphasis will be placed on:
      (a) Work habits
(b) Attendance and punctuality
(c) Interpersonal skills and teaching ability
(d) Demonstrated high degree of integrity, initiative and motivation
(e) Preliminary investigation skills
(f) Report writing abilities
(g) Willingness to prioritize other Departmental demands to facilitate training needs
(h) Comportment with grooming and appearance standards

(b) **PTO candidates will be selected for the program based upon the following process:**

(a) The applicant must submit a Personnel Action Request form to be considered for the position of PTO.

(b) Personnel Action Request forms and endorsements will be forwarded by the Patrol Services Division Commander to the Chief of Police.

(c) The Personnel Action Request forms and the applicant's two (2) most recent performance evaluations will be reviewed by the PTO Selection Committee to ensure that the minimum qualifications are met.

(d) Qualified candidates will be interviewed by the PTO Selection Committee. The PTO Selection Committee will forward an alphabetical list of eligible candidates to the Chief of Police for final selection. This list will be valid for six (6) months.

(e) Upon selection by the Chief of Police and completion of a Problem-Based-Learning PTO course, the candidate becomes a PTO.

419.2.2 TRAINING
The PTO Selection Committee will be comprised of at least three (3) of the following four (4) positions: PTO Program Coordinator, Training Sergeant, Active PTO, or Probationary Review Board member trained in the Problem-Based-Learning PTO program methodology.

419.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR
(a) PTOs will be decertified under the following circumstances:

1. Substantiated complaint of force, racially abusive conduct, or sexual harassment.

2. Failure to meet the Department standards in all performance dimensions on the PTO's annual performance evaluation.
3. Failure to meet the standards described as the minimum qualifications for PTO applicants described in §1001.22f.

4. Refusal or continued failure to follow the format of the PTO program or Problem-Based-Learning training process.

5. As ordered by the Chief of Police, as a result of unacceptable performance or conduct evidenced by a single or multiple administrative investigation. In such cases, the employee shall have the right to appeal the action in the same manner and within the same time frames as any other disciplinary action.

(b) PTOs will be decertified and become ineligible to train new Officers through the following process:

1. The PTO Selection Committee will convene to review any of the aforementioned circumstances.

2. The PTO Selection Committee will interview the PTO in attempt to determine the nature of the circumstance.

3. The PTO Selection Committee will forward a recommendation in writing through the Patrol Services Division Commander to the Chief of Police for the final decision regarding decertification.

4. Decertified PTOs must remove the PTO designator pin from their uniform.

5. PTOs who have been transferred from the Patrol Services Division for more than one (1) year will not be automatically decertified. Prior to assignment of a trainee, PTOs returning to the Patrol Services Division following more than one (1) year's absence must receive update training regarding the Problem-Based-Learning Police Training Officer program.

419.3.1 PTO RECOGNITION

(a) In recognition of the extra work associated with the PTO assignment and all similar future assignments, each PTO shall have a letter placed in his or her personnel file stating that he or she is a PTO.

(b) Personnel certified as PTOs may wear a unit designator pin on their uniform shirt as a unit designator. The unit designator pin will be silver.

(c) Personnel who satisfactorily served as Problem-Based-Learning Police Training Officers for five consecutive years may wear the unit designator pin on their uniform, regardless of their current assignment.

(d) Personnel who are decertified as a PTO, or are no longer with the program, shall not wear the unit designator pin on their uniform.
419.3.2 PTO COMPENSATION

(a) While training a new Officer, the PTO shall receive four (6) hours of pay at the overtime rate for every 40 (forty) hour block of training.

(b) Substitute PTOs who are required to train Officers on a day-by-day basis due to the absence of the assigned PTO shall receive one (1) hour of pay at the overtime rate for each full day of completed training.

(c) Officers assigned to train Reserve Officers shall be compensated with four (4) hours pay at the overtime rate at the completion of each forty (40) hour block of training if certified by the Reserve Coordinator.

419.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Richmond Police Department who has successfully completed a POST approved Basic Academy.

419.5 REQUIRED TRAINING

Prior to assignment with the PTO, the Trainee shall receive at least eighty (80) hours of orientation under the direction of the Training Unit. This training shall consist of:

(a) Departmental structure, mission, vision, values and professional ethics.

(b) The PTO program, problem-based learning, and the evaluation process.

(c) Classroom instruction in community-oriented policing and problem-oriented policing.

(d) Critical Departmental policies.

(e) Forty (40) hours of firearms training.

419.6 EVALUATIONS

(a) Bi-Weekly Coaching and Training Reports (CTR):

1. The Trainee will complete a (1) CTR and forward it to his or her assigned PTO. The content of the CTR will include the Fifteen (15) Core Competencies and should be relevant to the appropriate substantive topic for the Trainee’s phase of training.

2. The PTO will review the Trainee’s comments and provide feedback and guidance where appropriate.

3. The Trainee and the PTO will sign or initial the completed CTR.

4. The PTO will forward the CTR to the Patrol Team Sergeant and the PTO Coordinator for review.

5. The PTO Coordinator will forward the CTR to the Administrative Services Division Training Manager.
P.T.O (Police Training Officer) Program

6. After review, the CTR will be forwarded to the Training Unit for filing.

(b) Problem-Based-Learning Exercises (PLE):  
   1. The Trainee will complete one (1) PLE per phase of training relevant to the substantive topic of the phase.
   2. The PTO will review the PLE and provide feedback and guidance where appropriate.
   3. The Trainee and the PTO will sign or initial the completed PLE.
   4. The PTO will forward the PLE to the PTO Coordinator for review.
   5. The PTO Coordinator will forward the PLE to the Administration Division Training Manager for review.
   6. After review, the PLE will be forwarded to the Training Unit for filing.

(c) Neighborhood Portfolio Exercise (NPE):  
   1. The Trainee will complete one (1) NPE throughout the course of police training.
   2. The Trainee will make a presentation of his or her NPE to the Probation Review Board during his or her final evaluation appearance.
   3. The Probationary Review Board reserves the right to invite any person(s) it deems appropriate to the Trainee's NPE presentation.
   4. The Trainee will deliver a written report of his or her NPE to the Probationary Review Board at the time of the presentation.

(d) Learning Activity Packages (LAP):  
   1. The PTO may assign the Trainee a LAP to facilitate the Trainee's learning during any phase of training.
   2. The PTO will assign a due date for completion of the LAP upon presentation of the assignment.
   3. The Trainee will complete the LAP within the given time frame and return the LAP to the PTO for review.
   4. The assignment may include a presentation by the Trainee to reinforce the learning.
   5. The written assignment will be signed or initialed by the Trainee and the PTO.
   6. The PTO will forward the LAP to the PTO Coordinator for review.
   7. The PTO Coordinator will forward the LAP to the Administrative Services Division Training Manager for review.
   8. After review, the LAP will be forwarded to the Training Unit for filing.
419.6.1 IMMEDIATE SUPERVISOR

(a) Police Officer Trainees assigned to orientation training shall be under supervision at all times while engaged in non-Patrol-related assignments.

(b) Pre-Academy Police Officer Recruits and Trainees assigned to general field duties shall be under the direction and immediate supervision of a PTO at all times.

(c) This assignment and supervision may continue until the Trainee is assigned to the P.O.S.T.-approved basic course.

(d) Should the assigned PTO be absent, the Watch Commander shall ensure that the Trainee is assigned to another trained PTO, assigned to a Supervisor, or placed in a non-field assignment.

(e) Trainees who have graduated from a P.O.S.T. academy may be temporarily assigned for familiarization training to specialty units with the recommendation of the PTO Coordinator and the approval of the Patrol Services Division Commander.

419.6.2 FIELD TRAINING ADMINISTRATOR

(a) After a Police Officer Trainee has successfully completed the P.O.S.T. Basic Academy, he or she will be sworn in as a Recruit Police Officer and assigned to the PTO Program.

(b) A Police Officer Trainee assigned to the PTO Program shall remain in the program until the PTO recommends release following the final Shadow Phase Evaluation.

(c) This recommendation shall be documented in the final evaluation and forwarded to the PTO Coordinator. The PTO Coordinator shall arrange for a Probationary Review Board through the Training Unit.

(d) The Probationary Review Board shall submit its recommendations to the Chief of Police, who will approve or disapprove the recommendation.

(e) Upon the Chief's approval, the Patrol Division Commander will assign the Trainee to solo field duties.

419.6.3 TRAINEE

(a) The purpose of the modified Police Training Program is to orient and train new lateral Officers who have more than two (2) years of law enforcement experience prior to employment with the Richmond Police Department.

(b) The PTO Coordinator shall be responsible for monitoring progress in determining the links of the training program for the lateral Officer.

(c) Weekly Coaching and Training Reports will be required for lateral Officers in the program.
(d) The lateral Officer will be required to complete at least two (2) Problem-Based-Learning Exercises during the course of the modified Police Training Program.

(e) The program will last a minimum of five (5) weeks and a maximum of seventeen (17) weeks.

(f) At the conclusion of the modified Police Training Program, the PTO will complete a two (2) week final evaluation.

(g) In the event the PTO determines that the lateral Officer is not ready for release after the prescribed training period, the PTO's assessment shall indicate which areas of performance need improvement. The PTO should make a recommendation to the Probationary Review Board regarding the amount of time needed for the lateral Trainee to successfully complete the program.

(h) The team Supervisor and the area Commander may supplement the PTO's assessment with any input they feel is appropriate.

(i) It will be the team Supervisor's responsibility to evaluate the lateral Officer's performance while the Officer is on probation.

(j) The Probationary Review Board will review the relevant documents and assess the employee's performance. The Board will recommend release, extension or rejection from the program to the Chief of Police. The Board may make additional recommendations related to the continued growth and development of the employee.

(k) The Chief of Police will make the final decision regarding the status of the lateral Officer.

419.7 DOCUMENTATION
In the event the Probationary Review Board determines that the performance of a probationary Officer is unsatisfactory and that the prospect for improvement is poor, the Board shall recommend termination of the Officer's employment to the Chief of Police.

419.8 PTO COORDINATOR
The duties of the PTO coordinator shall include:

(a) Conferring regularly with Patrol Division Supervisors, PTOs and Trainees to assist them in meeting the training needs of individual Officers.

(b) Participating in the selection of PTOs.

(c) Assuring that training documents, forms and publications are prepared in a timely manner and distributed appropriately.

(d) Making PTO and new Officer assignments.
Obtaining Air Support

420.1 PURPOSE AND SCOPE
The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

420.2 REQUEST FOR HELICOPTER ASSISTANCE
If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

420.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY
After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

420.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED
Police helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements
(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
(e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.
Detentions And Photographing Detainees

421.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention.

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

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

Field Interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field Photographs - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of an Audio/Video Recorder (AVR) system when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-Down Search - This type of search is 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 detainee, or others.

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.

421.3 FIELD INTERVIEWS
Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

(a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
Detentions And Photographing Detainees

(b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
(c) The hour of day or night is inappropriate for the suspect's presence in the area.
(d) The suspect's presence in a neighborhood or location is inappropriate.
(e) The suspect is carrying a suspicious object.
(f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
(g) The suspect is located in proximate time and place to an alleged crime.
(h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

421.3.1 INITIATING A FIELD INTERVIEW
An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Richmond Police Department to strengthen our community involvement, community awareness and problem identification.

421.3.2 WITNESS IDENTIFICATION AND INTERVIEWS
Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

(a) Identify all persons present at the scene and in the immediate area.
   1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
   2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
   1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor,
Detentions And Photographing Detainees

consent should be obtained from the parent or guardian, if available, prior to transportation.

421.4 PAT-DOWN SEARCHES
A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.

(e) The appearance and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

(g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by officers of the same gender.

421.5 FIELD PHOTOGRAPHS
Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

421.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT
Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

421.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT
Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.
Detentions And Photographing Detainees

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

421.6 SUPERVISOR RESPONSIBILITY
While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

421.7 DISPOSITION OF PHOTOGRAPHS
All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

(a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Watch Commander will forward the photo and documents to the Gang Supervisor. The Gang Supervisor will ensure the photograph and supporting documents are retained as prescribed by Policy § 442.

(b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should be forwarded to the Records Section. These photographs will be purged as described in Policy § 440.7.1.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in the Records Section in a separate non-booking photograph file in alphabetical order.

421.7.1 PURGING THE FIELD PHOTO FILE
The Records Manager will be responsible for periodically purging and destroying all such photographs more than one year old. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.
Field Identification Cards

422.1 PURPOSE AND SCOPE
The purpose of this directive is to describe the proper procedures to be used when completing the field interview card. It is also used to provide the following information.

(a) Suspicious juveniles and adults.
(b) To increase the opportunity of apprehending wanted persons.
(c) To strengthen the Department's crime analysis abilities, including suspect identification and gang prosecution.

422.1.1 PROCEDURES

(a) Field Interview Cards shall be viewed as a formal police document. They should be made when at least one or more of the following exist:

1. A lawful detention based on "Reasonable Suspicion" to believe criminal activity has occurred or is about to occur, and that the detainee has some connection to that activity.
2. A consensual encounter (Indicate on the F.I. that the encounter is "consensual").
3. Knowledge that the person being detained is currently on active probation and/or parole, and is subject to search.

(b) Field Interview Cards shall be complete and include the following information:
Location: License/Id#: Name: (L,F,M) AKA/Moniker: Address: City: State: DOB, Race, Sex, Ht, Wt, Hair, Eyes.

1. Case/CFS#:
2. Phone:
   (a) H _ W _ C _
   (b) H _ W _ C _
3. State: Verbal _ Confirmed _
4. Clothing:
5. Vehicle Make: Model: Year: Color: License: State: # of Pass:
6. Others Last:
7. Reason for Stop/Remarks:
8. Officer: Serial #: Date: Time:
9. Approved: Self Admit: Yes _ No _ (If yes, document statement)
10. Gang: Subset: Territory:
11. Gang Related Tattoos (describe): Gang Related Clothing (describe):
12. Associating with other known gang members? (List names/DOB):
13. Probation or Parole:
14. Other Gang Related Info:
15. What District: Northern _ Central _ Southern _ School District _

(c) Field Interview Cards will be routed directly to your immediate supervisor who will turn them into the Crime Analysis Unit. The Crime Analysis Unit will review, process/distribute and maintain all Field Interview Cards in accordance with the City of Richmond Records Retention Policy.
Criminal Street Gangs

423.1 PURPOSE AND SCOPE
It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity as outlined in Penal Code §§ 186.20 through 186.33 of the "Street Terrorism Enforcement and Prevention Act."

The intent of this policy is to establish a procedure that will be used to develop a file of information and maintain this file so that the information contained therein may be used for enhancing criminal prosecution of criminal street gang participants.

423.2 DEFINITIONS
Pattern of Criminal Gang Activity - Shall mean the commission, attempted commission, conspiracy to commit, sustained juvenile petition for, or conviction of two or more of any offenses as described in Penal Code § 186.22(e).

Criminal Street Gang - Shall mean any on-going organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in Penal Code § 186.22(e), and which has a common name or common identifying sign or symbol, and whose members individually or collectively engage or have engaged in a pattern of criminal street gang activity.

Gang Related Crime - Shall mean any crime, which is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang.

423.3 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS
The Gang Information Unit shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

(a) A group of three or more individuals shall be designated a criminal street gang when:

1. They have a common name or common identifying sign or symbol.

2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts enumerated in Policy Manual § 442.2(a).

3. One or more members individually or collectively have engaged in a pattern of criminal gang activity as defined in Policy Manual § 442.2(a) of this policy.

4. A designated representative of the District Attorney's Office reviews the available evidence and concurs with a Department finding that the group meets the criteria for being a criminal street gang.
Criminal Street Gangs

(b) An individual shall be designated as a participant in a criminal street gang and included in a gang file, when two or more of the following elements have been verified by a Gang Information Unit member and a reasonable basis for believing such affiliation has been established and approved by a supervisor:

1. An individual admits membership in a criminal street gang.
2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.
3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.
4. An individual resides in or frequents a particular criminal street gang's area, and affects their style of dress, color of dress, use of jewelry, tattoos, monikers, or any other identifiable mannerism associated to that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in criminal gang activity or enterprise.
5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang related crimes.
6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph(s) in such a manner as to clearly indicate membership in a criminal street gang.
7. An individual otherwise meets the criteria of a criminal street gang participant under the guidelines of a department approved gang intelligence database and/or 28 C.F.R. 23.20.

(c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

423.4 CRIMINAL STREET GANG TEMPORARY FILE
The Gang Unit Supervisor may maintain a temporary file of reports and FIs that is separate from any criminal gang intelligence database when an individual or group has been identified as a suspected criminal street gang participant or a suspected criminal street gang but does not meet the criteria necessary for entry into a criminal gang intelligence database.

Inclusion in a temporary file may be done only if there is a reasonable likelihood that, within one year of the contact, the individual or group will meet the criteria for entry into a department approved criminal gang intelligence database. Reports and FIs will only be included in a temporary
gang file with the written authorization of the Gang Unit Supervisor. A temporary file of criminal street gang participants or criminal street gangs shall include:

(a) Names, aliases, monikers, addresses, and other relevant identifying information.
(b) Gang name.
(c) Justification used to identify an individual as a criminal street gang participant.
(d) Vehicle(s) known to be used.
(e) Cross references to other identified gangs or gang members.

423.4.1 REVIEW AND PURGING OF GANG PARTICIPANT FILE
Temporary files shall not be retained longer than one year. At the end of one year, temporary files must be purged if the information does not qualify for entry into a department approved criminal gang intelligence database.

The Gang Unit Supervisor shall periodically review temporary files to verify that the information was properly obtained and meets the criteria for retention. Validation and purging of temporary criminal street gang files is the responsibility of the Gang Unit Supervisor.

423.4.2 CRIMINAL GANG INTELLIGENCE DATABASES
While this policy does not establish a criminal gang intelligence database, the Chief of Police may approve one or more criminal gang intelligence databases, such as CALGANG, for use by members of the Gang Unit. Any such database should be compliant with 28 C.F.R. § 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

It is the Gang Unit Supervisor’s responsibility to determine whether any report or FI contains information that would qualify for entry into a department approved criminal gang intelligence database. The Gang Unit Supervisor should forward any such reports or FIs to the Records Section after appropriate database entries are made. The submitting Gang Unit Supervisor should clearly mark the report/FI as Gang Intelligence Information.

It is the responsibility of the Records Supervisor to retain reports and FIs in compliance with the procedures of the department approved criminal gang intelligence database and 28 C.F.R. § 23.20. The Records Supervisor may not purge these reports or FIs without the approval of the Gang Unit Supervisor.

423.5 FIELD CONTACTS
Officers who contact individuals who are, or may be participants in criminal street gang activity should complete a FI card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he or she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink).
Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of Policy Manual § 440 (Photographing of Field Detainees).

423.6 INQUIRY BY PARENT OR GUARDIAN
When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the temporary criminal street gang participant's file, such information shall be provided by the unit supervisor, unless there is good cause to believe that the release of such information may jeopardize an ongoing criminal investigation.

Employees must observe strict compliance with the rules of a department approved gang intelligence database regarding release of information from that database.

423.7 DISSEMINATIONS OF THE FILE INFORMATION
Information from criminal street gang participant files may be furnished to Department personnel and other public law enforcement agencies only on a need-to-know basis. This means information that may be of use in the prevention of gang-related criminal activity or in the investigation of gang-related crimes shall be released to members of this department and other law enforcement agencies.

423.8 REPORTING CRITERIA AND ROUTING
Incidents that appear to be criminal street gang related shall be documented on a report form and shall at minimum include the following:

(a) A description of any document, statements, actions, dress or other information that would tend to support the officer's belief that the incident may be related to the activities of a criminal street gang.

(b) Whether any photographs were taken and a brief description of what they depict.

(c) What physical evidence, if any, was observed, collected or booked.

(d) A specific request to that a copy of the report be routed to the Gang Unit.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.
Watch Commanders

424.1 PURPOSE AND SCOPE
Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant heads each watch.

424.2 DESIGNATION AS ACTING WATCH COMMANDER
When a Lieutenant is unavailable for duty as Watch Commander, in most instances the senior qualified sergeant shall be designated as acting Watch Commander. This policy does not preclude designating a less senior sergeant as an acting Watch Commander when operational needs require or training permits.

424.3 DUTIES AND RESPONSIBILITIES OF THE WATCH COMMANDER

(a) Prior to each shift, the oncoming Watch Commander will prepare for the deployment of officers in accordance with established staffing requirements as well as other operational needs. Specifically, Watch Commanders shall:

1. Check the scheduled patrol strength for the Districts and check with the Watch Commander being relieved for sick leave and other personnel-related issues.
2. Review the Watch Commander's Log for incidents that occurred during the previous shift(s).
3. Check Team Line-up rosters for deployed officers to insure that they have been deployed properly.
4. Communicate with the Watch Commander who is being relieved to determine problems and concerns that may affect the oncoming shift.
5. Collaborate with oncoming Team Sergeant(s) to insure that assignments are made for problem-solving projects, special details or enforcement activities.
6. Ensure that Team Sergeant(s) assign primary or secondary District Officers to neighborhood council meetings
7. Ensure that inspections of officers, including their weapons, are being completed by Team Sergeants.
8. Conduct shift briefings on the first day of each shift rotation, to include, at a minimum:

   (a) Information regarding criminal activity and other daily patrol activity information from the Watch Commander's Log and daily activity log (stored in line-up room) with particular attention given to unusual situations, potential and actual police hazards, changes in the status of wanted persons, stolen vehicles, major investigations, and information regarding relevant community-based initiatives.
Watch Commanders

(b) Notifying officers of changes in schedules and assignments.
(c) When necessary, review new policies, procedures, orders, and directives and promote their importance.
(d) Evaluate officer readiness to assume patrol.

9. Limit briefing to ensure that the officers depart for their beat assignments without unnecessary delay. Most briefings should be conducted in fifteen minutes or less.

10. Conduct a formal inspection of assigned officers at least once each month.

11. Conduct Line-up Training when necessary. Ensure that the completed training forms are submitted to the Training Unit.

(b) During the shift, Watch Commanders shall devote their energies to official business of Departmental operations. Watch Commanders will ensure that operational efficiency is maintained and will initiate appropriate action when deficiencies are detected. Watch Commanders will also be responsible for the direction and coordination Departmental employees. Specifically, Watch Commanders shall:

(a) Monitor calls for service and respond to the scene of major incidents or events and, if appropriate, take command. If a Division or District Commander arrives on the scene, the Watch Commander shall relinquish command of the scene, if requested

(b) Monitor calls for service and assume responsibility for pursuits, consistent with Departmental policy.

(c) Ensure that policies, procedures, orders and other directives are properly carried out by Departmental employees.

(d) Ensure complaints against personnel are properly recorded and investigated or forwarded in accordance with Departmental procedures. Watch Commanders shall be responsible for the timely reporting and endorsement of all "use of force" incidents.

(e) Ensure that a thorough investigation is initiated for any use of force incident or accidental weapon discharge in accordance with Departmental procedures

(f) Complete administrative assignments as assigned or required

(g) Approve all arrests.

(h) Review police reports and route copies as necessary.

(i) Ensure that the Chief of Police and/or Lieutenants of Police (or their designees) are notified of significant or noteworthy incidents that have occurred in the City. Some incidents will require the notification of others per departmental directives.

(j) Inspect the Temporary Holding Facility (jail) during the shift. The inspection will be made for safety, cleanliness, and compliance with Departmental procedures.

(k) Complete the Watch Commander's Log for the shift summarizing events, incidents and arrests. Note any other problems and concerns which are detected
Watch Commanders

and bring them to the attention of the on-coming Watch Commander and impacted District Commander.

(l) Review, sign and forward any Overtime Compensation forms that are submitted during the shift.

(m) Evaluate the performance of Sergeants.

(n) Be actively engaged and supportive of the work of community policing project teams.

(o) Be actively engaged in projects, and as crime issues arise facilitate operations focusing on crime patterns or trends.

(p) Direct on duty, non-patrol employees to accomplish operational tasks, when appropriate.

(q) Review the scheduled strength of the next shift, including unscheduled leave notifications, and evaluate the need to obtain additional staffing. Make appropriate arrangements to assist the on-coming Watch Commander.

(r) Maintain strength allocations as direct by the Chief of Police or Assistant Chief of Police. Grant only the authorized amount of leave as determined by the minimum staffing levels directives.

(s) During an absence, assign a supervisor to maintain the Watch Commander's administrative responsibilities.

(t) Work with the Training Unit to effectively schedule officers for in-service and other training classes.

(u) Prepare a Monthly Report that documents the Watch Commander's activity in the following areas: Significant highlights/accomplishments, Specific projects/activities/initiatives, Collateral assignments, Personnel issues/problems, Training, Overtime utilization by assigned personnel, Community meetings attended, and relevant information to share with Chief, Lieutenants and/or City Manager.

424.4 NOTIFICATIONS

When incidents or events occur that require or warrant notifications, the Watch Commander will ensure that immediate action is taken. Notifications shall be swiftly made to the proper District Commander, the Public Information Officer and the Chief of Police or Assistant Chief of Police consistent with all established policy and procedures.
Assaults on Richmond Police Department Personnel

425.1 PURPOSE AND SCOPE
It is not possible to anticipate all of the circumstances pertaining to every assault and/or battery incident of police department personnel. All felony cases shall have all of the following guidelines applied. The minor cases, such as spitting or non-injury batteries, may be appropriately handled without application of all the procedures stated herein. Any deviation from the following guidelines must be approved by the on-duty or on-call lieutenant.

425.2 REPORTING RESPONSIBILITIES
(a) Supervisors: The immediate Sworn supervisor of the victim employee shall be the primary investigator in all assault cases provided the supervisor is not directly involved in the incident.
(b) Sworn Personnel: All Sworn personnel involved in the incident, except the victim employee, shall write supplementary reports of what occurred.
(c) Victim Personnel: Absent a protocol incident, the victim employee should give a statement to the investigating supervisor or designee.
(d) Professional Staff: All Professional Staff witnessing the incident shall provide a statement to the investigating supervisor or designee.

425.3 INVESTIGATION
(a) Incident Facts: The incident shall be described in detail, including any uniform or equipment that was damaged, and all injuries sustained.
(b) Persons at the Scene:
1. Obtain identifying information on all witnesses as soon as possible.
2. Obtain AVR recordings of all witness statements, regardless whether the witness is cooperative or antagonistic, in order to commit witnesses to a statement.
(c) Photographs: Photographs shall be taken of victim employees and suspects to show any injury that may or may not have been sustained. Photographs should be taken as soon as practicable and in all cases prior to suspects being given the opportunity to injure themselves.
(d) Transportation/Booking of Suspects: The victim officer or other personnel directly involved in the arrest shall not transport or book the suspect.
(e) Physical Evidence and Reporting: Procedures for the collection of physical evidence shall be the same for any other crime and indicated in the appropriate report.
(f) Investigative Report: The supervisor investigating the incident shall ensure the investigative report and all necessary supplements are approved and routed by the end of the shift.
Assaults on Richmond Police Department Personnel

(g) **Detective Division Notification:** The on-duty or on-call lieutenant shall notify the Criminal Investigations Section Commander to assume the investigation if a call-out of investigators is needed.

(h) **Patrol Lieutenant Notification:** The on-duty or on-call lieutenant shall be notified of all assaults against employees. The lieutenant shall notify Senior Command of all assaults resulting in serious injuries to employees.

(i) **Patrol Lieutenant Response:** The on-duty or on-call lieutenant shall respond to all assaults resulting in serious injuries to employees in order to provide on-scene management of the incident.

425.4 **MEDICAL TREATMENT**

(a) **Victim Employee:** A medical examination shall be offered to the victim employee. The investigating supervisor shall complete a Supervisor's Report of Employee Injury and Worker's Compensation Claim form on all assaults against employees when there is a complaint of pain or visible injury.

(b) **Suspect:** Suspects shall receive medical booking clearance prior to incarceration when there is a complaint of pain or visible injury.
Mobile Data Center Use

426.1 PURPOSE AND SCOPE
The Mobile Digital Computer (MDC) accesses confidential records from the State of California, Department of Justice and Department of Motor Vehicles databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

426.2 MDC USE
The MDC shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden. MDC use is also subject to the Department Technology Use Policy.

Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDC unless otherwise authorized by the Watch Commander.

426.2.1 USE WHILE DRIVING
Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

426.2.2 DOCUMENTATION OF ACTIVITY
MDC's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

(a) All contacts or activity shall be documented at the time of the contact;
(b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher;
(c) Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDC.

426.2.3 STATUS CHANGES
All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the police radio or through the MDC system.

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.
Other changes in status may be entered by depressing the appropriate keys on the MDC's.

426.2.4 EMERGENCY ACTIVATION OF MDC
If the emergency button is depressed on the MDC, the dispatcher will call the unit and ask if Code-4. If there is no emergency, then he/she should answer "Code-4" and all units will resume their normal activity. If there is no response or the officer answers in some other way, the dispatcher shall proceed as follows:

(a) If the unit is not on a call, send available units to assist in locating the unit transmitting the emergency. Whenever a location is known, immediately dispatch the nearest available unit Code-3.

(b) Notify the field sergeant and Watch Commander of the incident without delay.

Units not responding to the emergency shall refrain from transmitting on the radio until there is a Code-4, unless they are themselves handling an emergency.

426.3 MDC CONSIDERATIONS

426.3.1 NON-FUNCTIONING MDC
Whenever possible, officers will not use units with malfunctioning MDC's. Whenever officers must drive a unit in which the MDC is not working, they shall notify Communications Center. It shall be responsibility of Communications Center to record all information that will then be transmitted verbally over the police radio.

426.3.2 BOMB CALLS
When investigating reports of possible bombs, officers will turn off their MDC's. Operating the MDC may cause some devices to detonate.
Portable Audio/Video Recorders (AVR)

427.1 PURPOSE AND SCOPE
Police body-worn audio/video recorders, herein referred to as “AVR” are provided and assigned to designated personnel for use as a law enforcement tool for capturing audio/video recordings of critical incidents, interactions with the public, and to provide an additional means of evidence collection in criminal and administrative investigations. The audio/video captured by the AVR may not accurately reflect the perception of the involved officer(s). The AVR must be viewed in consideration with all other available evidence such as witness statements, observations of involved personnel, and forensic analyses. This policy provides guidelines for the use of portable AVR devices by members of the department while in the performance of their official duties.

427.2 POLICY
The Richmond Police Department will provide members with body-worn AVRs for use during the performance of their duties. The use of AVRs is intended to enhance the mission of the department by accurately capturing interactions between members of the department and the public.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes. Personnel are strictly prohibited from using privately-owned video recording devices to access recorded data on department-issued audio/video cameras for personal use, and from uploading recorded data onto public and social media websites.

Sworn personnel whose primary duty assignment involves the wearing of a Richmond Police uniform and frequent contacts with the public are required to wear and use a body-worn AVR when in service. Affected assignments include, but are not limited to, Patrol, Traffic/Special Events, and School Resource Officers. Body-worn AVRs may also be assigned to special units within the department for use by sworn and or civilian personnel for use during certain special activities or operations.

Body-worn AVR training is required for all personnel who are required to use or who otherwise may become involved with body-worn AVRs before these devices are deployed for official use. In addition to personnel required or assigned body-worn AVRs, training is also required for supervisors whose officers wear recorders, Records Section personnel, Property Unit personnel, training staff, and Professional Standards Unit personnel.

Body-worn AVR training shall minimally include the following:

(a) All practices and protocols of department body-worn AVR policy;

(b) Relevant state laws governing consent, evidence, privacy, and public disclosure of digital recordings;
Portable Audio/Video Recorders (AVR)

(c) Procedures for operating the equipment safely and effectively;
(d) Scenario-based exercises that replicate situations that personnel might encounter in the field;
(e) Procedures for downloading and indexing recorded data;
(f) Procedures for accessing and reviewing recorded data;
(g) Procedures for preparing and presenting digital evidence for court;
(h) Procedures for documenting and reporting any malfunctioning device or supporting systems.

427.3 PRIVACY
All recordings made by department personnel acting in their official capacity as members of the department, are the property of the Richmond Police Department and are not considered private, regardless of whether those recordings were made with department-issued or personally owned recording devices.

Recordings shall not be made of other department personnel during routine, informal, non-enforcement related activities unless the recording is required by court order and is authorized by the Chief of Police as part of an administrative or criminal investigation. Other prohibited recordings include the following:

(a) Conversations involving confidential informants and undercover officers;
(b) Places where a reasonable expectation of privacy exists, such as restrooms, locker rooms, or supervisory/management offices;
(c) Strip searches;
(d) Conversations with other agency personnel that involve case tactics or strategy.

In the event of an unintentional or inappropriate activation of the camera where the resulting recording is not evidence in a criminal case or administrative investigation, and when the recording may unreasonably infringe on personal privacy concerns or rights, the recording employee may request that the video file be deleted by submitting a written request to delete the file with the recording employee’s supervisor. Such a request shall contain the specific reasons for recommending the deletion of a recording. An officer holding the rank of Captain or higher shall review the file and approve or deny the request.

427.4 MEMBER RESPONSIBILITIES
Prior to going into service, each uniformed Patrol officer assigned to field duties or other department member directed to utilize an AVR will be responsible for making sure that he/she is equipped with an AVR issued by the department, and that the recorder is in good working order. Non-functioning recorders must be reported to a supervisor immediately and the officer making such a report should be equipped with a temporary replacement unit prior to going into service. It
is the obligation of the assigned employee to follow up with Information Technology (IT) staff for repair or replacement of a non-functioning unit.

Uniformed members should wear the AVR in a conspicuous manner. Video recorder placement must provide a forward-looking view on the wearer. The AVR can be situated on the chest, shoulder, collar, head, or eyeglasses of the wearer with due consideration for field of vision, comfort, functionality, ease of use, and the type of AVR being used.

Any member of the department assigned to a position outside of the Patrol Division may carry an approved portable recorder with the approval of their supervisor for work-related purposes at any time the member believes such a device may be useful.

When using an AVR, the assigned member shall record his/her name, employee number, the current date and time at the beginning and the end of the shift or other period of use, and the purpose of utilizing the AVR, regardless of whether any activity was recorded. This procedure is not required when the AVR and related software captures the user's unique identification and the date and time of each recording.

The assigned member is required to note the existence of the recording in the associated incident report, crime report, citation or administrative communication. In the event an activity required, by policy, to be recorded is not captured in whole or in part, the member must articulate the reasoning in writing. It is recognized that situations could arise when circumstances justify not recording an incident.

These include, but are not limited to, the following:

(a) When conditions make it unsafe or impossible to activate the AVR;

(b) In the exercise of discretion, according to policy, a decision is made not to record because doing so would be detrimental to other department priorities (e.g., protecting privacy rights, preserving community relations, or facilitating intelligence gathering);

(c) When the AVR malfunctions or otherwise fails to capture the event.

The Taser Axon Body 2 AVRs are linked to the Taser CED. When the Taser CED is taken out of 'Safe' mode, Taser AVRs that are within 30 feet of the Taser CED and turned on will be automatically activated. To minimize the number of accidental activations, officers shall adhere to the following: While at the main police building (1701 Regatta Bl), including the parking lot, officers shall turn their Taser AVRs off, unless they are on a call for service or booking a prisoner. Additionally, Taser CEDs shall only be 'spark-tested' in one of the locker rooms, or as a group with a supervisor present.

427.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved
shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

Supervisors are discouraged from using the AVR to record interactions with the public when discussing personnel complaints, unless there are compelling reasons to record such meetings.

Supervisors shall review a minimum of two (2) officer related videos per employee on a monthly basis. The purpose of review should be to determine employee policy compliance, training needs, equipment malfunction, and consistency between the AVR video and associated police reports.

Supervisors shall "tag" all reviewed video's with their name, date, and time of review. The "tag" should be made in the comments section of each stored video, located in "Evidence.com."

**427.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER**

Personnel shall activate their AVRs to record calls for service, traffic/investigative stops, and other enforcement-related or investigative activities, unless doing so would jeopardize officer or public safety. Enforcement-related activities include, but are not limited to:

(a) Traffic stops
(b) Pedestrian stops
(c) Vehicle pursuits/failure to yield
(d) Emergency responses
(e) On-view criminal activity
(f) Arrests
(g) Prisoner transports
(h) Prisoner booking (excluding strip searches)

Certain conversations need not be recorded:

(a) Conversations with confidential informants or members of the public providing crime tips or other information where they wish to remain anonymous;
(b) Sexual assault victim interviews;
(c) Conferring with other officers, including supervisors, for strategic or tactical purposes;
(d) Personal conversations.

Personnel shall not deactivate their AVR until after the conclusion of the specified activity.

While there may be circumstances in which the AVR cannot be activated immediately, the goal is to capture interactions with the public while providing police services. In the event an officer decides not to turn on the AVR based on the belief that their safety or the safety of the public is in jeopardy, the onus of providing evidence of such a fact is the employee's responsibility. Any failure to activate the AVR in a circumstance in which the objective facts dictate otherwise, may be cause for discipline.
Portable Audio/Video Recorders (AVR)

427.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER
Personnel may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Personnel shall not surreptitiously record another department member without a court order and authorization from the Chief of Police or the authorized designee.

427.5.2 CESSATION OF RECORDING
Once activated, the portable recorder should remain on continuously until the officer's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Officers shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

Prior to turning your off your AVR while on a call for service or during any self-initiated activity, personnel shall verbally articulate the reason for turning off the AVR.

At no time shall an officer mute their AVR while on a call for service or engaged in self-initiated activity, unless otherwise authorized in this policy.

427.5.3 EXPLOSIVE DEVICE
Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

427.5.4 TIMING OF ACTIVATION
Personnel shall activate their AVRs as follows:

Non-emergency calls for service:

(a) Prior to arriving on-scene, exiting the police vehicle, or contacting the involved parties.

(b) For calls for service involving property loss or property damage only, and where the officer does not reasonably anticipate making contact with a suspect; after making contact with the victim the officer may de-activate his/her AVR.

Emergency calls for service and/or anytime an officer is responding Code 3:

(a) At the time of dispatch.

(b) When a decision is made to respond to a call for service (as primary or cover officer).

On-view or self-initiated activities:

- Prior to exiting the police vehicle, or contacting the involved parties.
427.5.5 SPECIALIZED UNITS/ASSIGNMENTS

School Resource Officers (SRO):

(a) While on or around school grounds, SROs are restricted to activating their AVR in cases of suspected criminal activity or when assisting school staff with matters related to disorderly or disruptive behavior in the school environment.

(b) SROs should not activate their AVR for routine interactions on school grounds, or when present for administrative meetings between staff, parents, and students.

Crime Scene Investigators (CSI):

• CSIs shall activate and deactivate their AVR in the manner prescribed by this policy. However, CSIs may deactivate their AVR when they transition into duties specifically related to crime scene investigation.

427.6 NOTIFICATION TO THE PUBLIC

Personnel should notify others that they are being recorded as soon as practical. Upon initial contact, when feasible officers should provide the public with the following information:

(a) Professional greeting

(b) Name of the officer

(c) Richmond Police Department

(d) Notification of being audio and video recorded

Such notifications are mandatory on traffic/investigative stops, enforcement related activities, and calls for service. If multiple officers are involved in an incident, it is only necessary for one employee to make such notification.

427.7 PROHIBITED USE OF AVRS

Recordings and copies of recordings are for official use only. Officers are prohibited from using department-issued AVR for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Officers are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the department.

Recordings shall not be used by any employee for the purpose of embarrassment or ridicule of any person.

Any employee who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.
Portable Audio/Video Recorders (AVR)

427.8 DOWNLOAD AND RETENTION OF RECORDINGS
All recordings in a criminal investigation constitute evidence and shall be preserved. It is the responsibility of the individual officer to download data from the AVR by the end of each shift in which the AVR was used. In circumstances where the officer cannot complete the task, the officer’s supervisor shall immediately take custody of the AVR and be responsible for downloading the data. AVR data will be downloaded and indexed as follows:

Incidents that result in the issuance of a case number:
(a) Title - In the Title field, officers must type in the crime code.
(b) ID - In the ID field, officers must type in the case number.
(c) Categories - The Categories field sets the retention categories for the incident. In the Categories field, officers must select from one of the following:
   1. Felony (indefinitely)
   2. Felony w/use of force (indefinitely)
   3. Misdemeanors (5 yrs)
   4. Misdemeanors w/use of force (5yrs)
   5. Protocol Incident (indefinitely)
(d) Tags - The Tags field is a free-form area where officers have the ability to enter any information deemed relevant. For the following case types, the officer must type in the most appropriate Tag, more than one Tag may apply to one incident:
   (a) Canine contact
   (b) CED activation
   (c) CED display/point
   (d) Hands/Feet
   (e) Hate Crime
   (f) Impact Weapon
   (g) Vehicle Pursuit
(e) Entering information into the CASES, DESCRIPTIONS, and NOTES fields are optional.

Incidents that result in a call clearance of Miscellaneous Complaint Report (MCR):
(a) Title - In the Title field, officers must type in the acronym MCR and the appropriate MCR code number.
(b) Categories - The Categories field sets the retention categories for the incident. In the Categories field, officers must select from one of the following:
   1. MCR Primary (1 yr)
   2. MCR Cover (1 yr)
Portable Audio/Video Recorders (AVR)

3. ADMIN (e.g., property damage, training, citizen complaint, etc.) - (5 yrs)
4. TEST
5. Accidental Activations
(c) Entering information in the ID, CASES, TAGS, DESCRIPTIONS, and NOTES is optional.

427.8.1 RETENTION REQUIREMENTS
All recordings shall be retained for a period consistent with the requirements of the organization’s records retention schedule, but in no event for a period less than 180 days.

427.9 REVIEW OF RECORDED MEDIA FILES
When preparing written reports, employees should review their recordings as a resource. However, employees should not use the fact that a recording was made as a reason to write a less-detailed report. Employees are also allowed unrestricted access to relevant recordings to review in preparing for court testimony and consultation with the District Attorney or City Attorney. Supervisors are authorized to review relevant recordings as follows:

(a) When they are investigating a complaint against an employee or a specific incident in which an employee was involved;
(b) During an employee’s probation period and when an employee is with a trainer;
(c) When a supervisor needs to identify videos for training purposes, reports of meritorious conduct, or whenever such recordings would be beneficial in reviewing the employee’s performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation;
(b) By media personnel with permission of the Chief of Police or the authorized designee;
(c) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy;
(d) In accordance with periodic, random internal audits of AVR footage to monitor compliance with the program, and to assess overall officer performance;
(e) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case;
(f) The Police Commission will have view only access whenever the file is associated with a Police Commission investigation, or upon authorization of the Chief of Police.

In accordance with the Contra Costa County Law Enforcement-Involved Fatal Incident (LEIFI) Manual, the initial interview of an officer involved in a LEIFI shall occur before the officer has reviewed any audio or video recordings of the incident. An involved officer will have an opportunity
to review recordings after the initial statement has been taken, and he/she can be re-interviewed if either the officer or members of the investigating team believe it is necessary.

The AVRs of actor officers involved in a law enforcement involved fatal incident are to surrender their devices to a supervisor as soon as it is practical to do so. Actor officers are not to download their footage of the incident. It will be the responsibility of the investigative team supervisor to coordinate with the involved officers' supervisor to obtain footage of the incident.

In instances when administrative investigations are undertaken where any audio or video recordings of the incident exist, the initial interview of the subject employee shall occur before the employee has reviewed the recordings. An involved officer will have an opportunity to review recordings after the initial statement has been taken, and he/she can be re-interviewed if either the officer or the investigators believe it is necessary.

427.10  COORDINATOR
The Chief of Police or the authorized designee shall appoint a member of the department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

(a) Establishing a system for downloading, storing and security of recordings;
(b) Designating persons responsible for downloading recorded data;
(c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices;
(d) Establishing a system for tagging and categorizing data according to the type of incident captured;
(e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity;
(f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation;
(g) Maintaining logs of access and deletions of recordings;
(h) Ensure required personnel receive training on an annual basis;
(i) Ensure all policies and procedures regarding AVR are evaluated and updated continually to reflect case law and best practices.
Critical Incident Audio & Video Release Policy

428.1 PURPOSE
This policy sets the standards and criteria for the public release of audio recordings and video that capture critical incidents involving the Richmond Police Department personnel. This policy is intended to balance two important interests: the public's interest in transparency and the privacy interests of the individuals depicted in the videos. The public has a strong interest in obtaining timely access to information, including video and audio footage, regarding incidents where officers discharge a firearm at a person and where the use of force by an officer against a person results in death or in great bodily injury. At the same time, the individuals who appear in these videos have a privacy interest that must be considered. These individuals include not only the involved individuals and the police officers, but also witnesses, bystanders, and the subject upon whom force is used. In recognizing that one officer's audio/video recording may not present an accurate or complete portrayal of the incident, the Richmond Police Department will also provide the necessary context when releasing audio/video so that the public has the most accurate picture of what occurred based on the information known at the time of the release of the video.

428.2 POLICY
It is the policy of the Richmond Police Department that audio and video evidence in the Department's possession is released consistent with Penal Code 832.7 and the California Public Records Act (Government Code §§ 6254), as amended by SB 1421 and AB 748. The release shall consist of relevant video imagery and audio that depicts the events leading up to and including the incident.

428.3 CRITICAL INCIDENTS
This policy applies to video imagery and audio concerning the following types of Critical Incidents:

1. Incident involving the discharge of a firearm at a person by an officer.

2. Incident in which the use of force by an officer against a person results in death or great bodily injury.

The Chief of Police and/or his designee may release video/audio of any other police encounter if he/she determines the release is in the public interest and exigent circumstances warrant release.

428.4 PRIVACY
If the Department demonstrates, on the facts of the particular case, that the public interest in withholding a video or audio recording clearly outweighs the public interest in disclosure because the release of the recording would, based on the facts and circumstances depicted in the recording, violate the reasonable expectation of privacy of a subject depicted in the recording, the Department shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served by withholding the recording and may use redaction technology, including
blurring or distorting images or audio, to obscure those specific portions of the recording that protect that interest. However, the redaction shall not interfere with the viewer’s ability to fully, completely, and accurately comprehend the events captured in the recording and the recording shall not otherwise be edited or altered.

If the Department demonstrates that the reasonable expectation of privacy of a subject depicted in the recording cannot adequately be protected through redaction and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted as provided in clause (i) or unredacted, shall be disclosed promptly, upon request, to any of the following:

1. the subject of the recording whose privacy is to be protected, or his or her authorized representative.
2. If the subject is a minor, the parent or legal guardian of the subject whose privacy is to be protected.
3. If the subject whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased subject whose privacy is to be protected.

428.5 NOTIFICATIONS
When a request for critical incident audio or video is made pursuant to Penal Code 832.7, the Department shall attempt to notify the affected subject officer(s) in writing within 24 hours, or as soon as reasonably possible, that a request was received.

Barring exigent circumstances, the Department shall attempt to notify the following individuals 72 hours prior to the release of video imagery or audio:

- Officers depicted in the video and/or involved in the use of force;
- Subject(s) upon whom force was used;
- Other individuals or entities that may have a privacy interest in the video imagery or audio.

428.6 TIMING OF DISCLOSURE
During an active criminal or administrative investigation, disclosure of a recording related to a critical incident may be delayed for no longer than forty-five (45) calendar days after the date the Richmond Police Department knew or reasonably should have known about the incident, if, based on the facts and circumstances depicted in the recording, disclosure would substantially interfere with the investigation, such as endangering the safety of a witness or a confidential source. (Government Code § 6254(f)(4)(A)). If the Department delays disclosure, the Department shall provide in writing to the requestor the specific basis for the Department’s determination.
that disclosure would substantially interfere with the investigation and the estimated date for disclosure.

After 45 days from the date the Department knew or reasonably should have known about the incident and up to one year from that date, the Department may continue to delay disclosure of a recording if the Department determines that disclosure would substantially interfere with the investigation.

After one year from the date the Department knew or reasonably should have known about the incident, the agency may continue to delay disclosure of a recording only if the Department demonstrates by clear and convincing evidence that disclosure would substantially interfere with the investigation. If the Department delays disclosure pursuant to this clause, the Department shall promptly provide in writing to the requester the specific basis for the Department’s determination that the interest in preventing interference with an active investigation outweighs the public interest in disclosure and provide the estimated date for the disclosure.

The Department shall reassess withholding and notify the requester every 30 days. A recording withheld by the Department shall be disclosed promptly when the specific basis for withholding is resolved.
Aggressive/Dangerous or Vicious Animals

429.1 PURPOSE AND SCOPE
To ensure that the community and police department personnel are protected from aggressive, dangerous or vicious animals. The purpose of this order is to provide members of this Department with guidelines for handling aggressive, dangerous or vicious animals. Department personnel are expected to use these guidelines to make such decisions in a professional, impartial and safe manner.

429.1.1 PHILOSOPHY
The Department recognizes and respects the value of citizen’s pets and other animal(s). At the same time, nothing in this order is meant to preclude an officer from using reasonable deadly force options on pets and other animals, when other means have been exhausted, or would be unreasonable, based on the totality of the circumstances. It is understood that vesting Officers with the authority to use reasonable force to protect the public welfare against animal attacks requires a careful balancing of all interests.

429.2 POLICY
It is the policy of this Department that personnel shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the Officer at the time of the event, to effectively bring a dangerous animal incident under control. "Reasonableness" of the force used must be judged from the perspective of an Officer on the scene at the time of the incident. Any interpretation of "reasonableness" must allow for the fact that Police Officers are often forced to make split-second decisions about the amount of force that is necessary in a particular situation, under circumstances that are frequently tense, uncertain, and that evolve rapidly.

Further, it is understood that "reasonableness" should not be construed to mean the guarantee of a desired outcome. When determining whether or not police personnel's actions were appropriate to the situation, the totality of the circumstances and information available to the personnel at the time the force was applied must be taken into consideration.

429.2.1 PENAL CODE SECTION 291
Dogs are personal property and their value is to be ascertained in the same manner as the value of other property.

429.2.2 PLANNED SERVICE OF A SEARCH OR ARREST WARRANT
Officers attempting the service of a search or arrest warrant shall include within the planning process strategies for dealing with aggressive, dangerous or vicious pets and/or other animals. The gathering of normal intelligence that is used in pre-planning the service of warrants, as is practical, should include the element of aggressiveness, dangerous, or vicious pets, and/or other animals.
Aggressive/Dangerous or Vicious Animals

If informants are being used, they should be interviewed, when practical to do so, to determine if pets or other potentially aggressive, dangerous or vicious animals are present at the location of a search or arrest warrant.

If time permits, a check with Contra Costa County Animal Services should be made to determine if there are any licensed or permitted animals, or prior history of any animals, on the premises. Visual observations by officers prior to the service of the warrant, either made by walking or driving by the location, are also techniques that can be used to determine if animals are present at the scene. Police personnel should ask dispatch to run a "location search" and "incident history" for the location being investigated to determine if there are indications that animals have been present in the past.

It should be assumed that many animals will exhibit territorial or aggressive behavior when officers enter property where animals are kept. In such cases, the pre-planning for the execution of warrants shall include how personnel plan to deal with any animals found on the property. Pre-planning may include making contact with the Animal Services Unit to determine if an Animal Services Officer can be present to help deal with the pets and other animals during entry onto the property.

429.2.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force or evaluating whether police personnel have used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

(a) Behavior of the animal(s) being confronted (as reasonably perceived by the police personnel at the time of the incident).

(b) The number of animals, as well as their size, injuries, level of exhaustion, and physical surroundings;

(c) Availability of other options (i.e., What resources are reasonably available to the police personnel under the circumstances?);

(d) Potential for injury to citizens and department personnel;

(e) Risk of aggressive, dangerous and/or vicious animal fleeing into residential or business areas;

(f) Other exigent circumstances;

(g) The totality of the circumstances.

429.3 FORCE APPLICATIONS

(a) Oleoresin Capsicum (OC) spray may be helpful in deterring some aggressive animals. If OC Spray is used, department personnel need to be aware of wind conditions and other situations that can cause them to become affected by the spray, or that might contaminate the scene for officers entering the location.
(b) The use of the TASER, when available, is a force option that may be considered. Personnel need to be aware, however, that TASER deployments may sometimes fail to control or incapacitate an animal for a variety of reasons.

(c) Impact weapons are also devices that can be used against animals, although they will generally not be as effective as a successfully deployed TASER. Impact weapons may stun or divert many, but likely not all, aggressive animals.

429.3.1 USE OF DEADLY FORCE AGAINST AN AGGRESSIVE, DANGEROUS AND/OR VIOLENT ANIMAL
Use of deadly force is justified in the following circumstances:

(a) An officer may use deadly force to protect him/herself or others from what they reasonably believe would be an immediate threat of death or bodily injury.

(b) An officer will take into consideration the need to safeguard the community in such an event by weighing the following factors:

1. The physical environment, in relation to the safety of uninvolved parties;
2. Consideration of all reasonably available alternatives to deadly force.

429.4 REPORTING THE USE OF FORCE
429.4.1 NOTIFICATION TO SUPERVISORS
Supervisory notification shall be made as soon as practical following the application of physical force per the provisions of Policy Manual Section 300.5.

429.4.2 NOTIFICATION TO OWNER
Department personnel shall notify the owner of the injured or dispatched animal as soon as practical.

429.5 MEDICAL ATTENTION FOR INJURIES SUSTAINED BY USING FORCE
Veterinary attention shall be obtained for any live animal that has sustained visible injuries, or been rendered unconscious. Additionally, medical attention shall be obtained for any animal when deemed necessary by an officer or supervisor.
Automated License Plate Readers (ALPRs)

430.1 PURPOSE AND SCOPE
Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Richmond Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

430.2 ADMINISTRATION OF ALPR DATA
All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Administration Division Commander. The Administration Division Commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

430.3 ALPR OPERATION
Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official and legitimate law enforcement business.
(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
(e) No ALPR operator may access California Law Enforcement Telecommunications System (CLETS) data unless otherwise authorized to do so.
(f) Absent exigent circumstances, the officer shall verify an ALPR response through CLETS before taking enforcement action that is based solely on an ALPR alert.

430.4 ALPR DATA COLLECTION AND RETENTION
All data and images gathered by an ALPR are for the official use of the Richmond Police Department and because such data may contain confidential CLETS information, it is not open
Automated License Plate Readers (ALPRs)

to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

The Administration supervisor is responsible to ensure proper collection and retention of ALPR data.

All ALPR data downloaded to the server will be stored for ninety (90) days, and thereafter will be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

430.5 ACCOUNTABILITY AND SAFEGUARDS
All saved data will be closely safeguarded and protected by both procedural and technological means. The Richmond Police Department will observe the following safeguards regarding access to and use of stored data:

(a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Supervisor and processed in accordance with applicable law.

(b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

(c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.

(e) ALPR system audits should be conducted on a regular basis.
Bicycle Patrol Unit

431.1 PURPOSE AND SCOPE
The Richmond Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

431.2 POLICY
Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community. Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Watch Commander.

431.3 SELECTION OF PERSONNEL
Interested sworn personnel, who are off probation, shall submit a Personnel Action Form to the Patrol Division Commander. A copy will be forwarded to the District Commander in charge of the BPU. Qualified applicants will then be invited to an oral interview. The oral board will consist of the designated District Commander (in charge of the BPU) and second person to be selected by the District Commander. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.
(b) Special skills or training as it pertains to the assignment.
(c) Good physical condition.
(d) Willingness to perform duties using the bicycle as a mode of transportation.

431.3.1 BICYCLE PATROL UNIT SUPERVISOR
The Bicycle Patrol Unit supervisor will be appointed by the District Commander in charge of the BPU.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

(a) Organizing bicycle patrol training.
(b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
(c) Scheduling maintenance and repairs.
(d) Evaluating performance of bicycle officers.
(e) Coordinating activities with the Patrol Division.
431.4 TRAINING
Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

431.5 UNIFORMS AND EQUIPMENT
Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

431.6 CARE AND USE OF PATROL BICYCLES
Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of Vehicle Code §2800.1(b).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.
Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

431.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

(a) In response to an emergency call.
(b) While engaged in rescue operations.
(c) In the immediate pursuit of an actual or suspected violator of the law.
Chapter 5 - Traffic Operations
Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE
The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT
Several factors are considered in the development of deployment schedules for officers of the Richmond Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT
Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer’s work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:
Traffic Function and Responsibility

500.3.1 WARNINGS
Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS
Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge
(b) Court appearance procedure including the optional or mandatory appearance by the motorist
(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST
Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter
(b) Felony and misdemeanor driving under the influence of alcohol/drugs
(c) Felony or misdemeanor hit-and-run
(d) Refusal to sign notice to appear
(e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES
If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS
The Department has provided ANSI Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (8 CCR § 1598).
Traffic Function and Responsibility

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

500.5.1 REQUIRED USE
Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS
High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Sergeant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.
Traffic Collision Reporting

501.1 PURPOSE AND SCOPE
The Richmond Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

501.2 RESPONSIBILITY
The Traffic Sergeant will be responsible for distribution of the Collision Investigation Manual. The Traffic Sergeant will receive all changes in the state manual and ensure conformity with this policy.

501.3 TRAFFIC COLLISION REPORTING
All traffic collision reports taken by members of this department shall be forwarded to the Traffic Bureau for approval and data entry into the Records Management System. The Traffic Lieutenant will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Patrol Division Commander, or other persons as required.

501.4 REPORTING SITUATIONS

501.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES
Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, an Administrative Memorandum shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

Whenever there is damage to a City vehicle, an administrative investigation shall be completed and forwarded to the appropriate Division Commander. The Division Commander shall review the administrative investigation and insure that it is complete and forward it to the Chief of Police for final approval.

(a) Upon review and evaluation, the investigating supervisor will classify the collision incident into one of the following categories:

1. **Recklessness or Gross Negligence (5 Points)** - Those situations in which the driver displayed serious disregard for their own safety and/or the safety of others; or, the consequences of the driver’s actions caused the collision.

2. **Violation of Law or Departmental Policy (4 Points)** - Those situations in which there is a determination that the collision probably would not have occurred if
the driver had complied with the law or policy; compliance with the law or policy would have avoided the collision.

3. **Negligent, but not Reckless (3 Points)** - Those situations in which the driver did not display reasonable caution under the circumstances. The driver erred, but the driver's actions did not present a clear and recognizable danger to any person(s) or property.

(b) Using the most severely damaged vehicle as the focus, damage shall be classified and assigned a number value as follows:

1. **Minor damage** - if the vehicle can remain in service and is legally, safely operable (1 point).
2. **Moderate damage** - if the vehicle must be removed from service or cannot be operated safely by the citizen (2 points).
3. **Major/Total damage** - (3 points).

(c) If injuries are associated with the accident, using the most serious injury involved as the focus, it is to be classified and assigned a number as follows:

1. **Minor** - Complaint of pain or minor injuries not requiring immediate medical treatment (1 point).
2. **Moderate** - May require minor medical treatment, but not life threatening, or loss of employees duty time (3 points).
3. **Major** - Death or life threatening (5 points).

(d) The investigating supervisor will reach a finding using the following:

1. **Formula** - Cause x Damage x Injuries + Prior Department Driving Record.
2. **Points** - Prior accident(s) will be assigned points based on the following:
   (a) Less than 1 year since last accident = Full Value (100%)
   (b) 1 to 2 years since last accident = One Half (50%)
   (c) 2 to 3 years since last accident = One Quarter (25%)

(e) Recommended action will be based on the employee's total accumulation of points during the previous three year period as follows:

(a) 27+ Points = **Suspension, Pay Reduction or Termination**.
(b) 18+ Points = **Chief's Letter of Reprimand**.
(c) 12+ Points = **Bureau Commander's Letter of Reprimand**.
(d) 8+ Points = **Summary Reprimand**.
(e) 1+ Point(s) = **Employee Instructed**.
Traffic Collision Reporting

The Division Commander shall then review the recommendations and within three (3) days forward his/her assessment and recommendation to the Chief of Police.

501.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES
When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Richmond Police Department resulting in a serious injury or fatality, the Traffic Lieutenant or the Watch Commander, may notify the California Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

501.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS
The Traffic Lieutenant or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY
In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or Vehicle Code violation. An Incident Report may be taken at the discretion of any supervisor.

501.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS
Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

(a) When there is a death or injury to any persons involved in the collision
(b) When there is an identifiable violation of the Vehicle Code
(c) When a report is requested by any involved driver

501.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION
In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Traffic Lieutenant to relate the circumstances of the traffic collision and seek assistance from the Traffic Bureau. In the absence of a Traffic Lieutenant, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.
Vehicle Towing and Release

502.1 PURPOSE AND SCOPE
This policy provides the procedures for towing a vehicle by or at the direction of the Richmond Police Department. Nothing in this policy shall require the Department to tow a vehicle.

502.2 STORAGE AND IMPOUNDS
When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

502.2.1 VEHICLE STORAGE REPORT
Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator and the original shall be submitted to the Records Section as soon as practicable after the vehicle is stored.

502.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES
When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to select a company from the rotational list of towing companies. The officer will then store the vehicle using a CHP Form 180.

502.2.3 STORAGE AT ARREST SCENES
Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:
Vehicle Towing and Release

- Traffic related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases the owner shall be informed that the Department will not be responsible for theft or damages.

502.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS
Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

502.2.5 DRIVING A NON-CITY VEHICLE
Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

502.2.6 DISPATCHER'S RESPONSIBILITIES
Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

502.2.7 RECORDS SECTION RESPONSIBILITY
Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).
Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

(a) The name, address, and telephone number of this Department.

(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.

(c) The authority and purpose for the removal of the vehicle.

(d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

502.2.8 UNLICENSED DRIVERS
The vehicle of an unlicensed driver shall not be impounded if one or more of the following conditions exist:

(a) The vehicle is driven onto the registered owner's private property and the owner is present with a valid driver's license.

(b) There is a licensed driver present at the scene, available within 30 minutes, or available prior to the tow truck arriving, and that driver is able to safely and lawfully drive the vehicle. This licensed driver must be either the registered owner or be specifically authorized in writing by the unlicensed driver as a person who may drive the vehicle. If the registered owner is not at the scene, the unlicensed driver must sign an "Unlicensed Driver Hold Harmless Agreement" form before the designated licensed driver will be allowed to drive the vehicle from the scene. The qualified licensed driver must provide evidence of financial responsibility for the vehicle.

(c) The vehicle can be left on scene if a liability waiver is signed.

A vehicle shall be impounded and a 30-day hold initiated if one or more of the following conditions exist (CVC 14602.6(a)(1)):

(a) The driver of the vehicle has a suspended, revoked, or restricted license pursuant to CVC 13352 or 23575, and the vehicle is not equipped with a functioning certified interlock device.

(b) At the time of the detention, the vehicle is being driven by a person who has been cited or arrested for driving without a driver's license, and/or other serious driving violations (e.g., DUI, vehicular manslaughter, reckless driving, etc.) within the last six months.
Vehicle Towing and Release

(c) The vehicle is owned by a person whose vehicle(s) have been impounded at anytime within the preceding six months, unless the prior impoundment was in relation to a sobriety checkpoint.

A vehicle may be impounded if the driver is unlicensed and one or more of the following conditions exist (CVC 22651[p]):

(a) The vehicle is believed to be a traffic hazard.
(b) The unlicensed driver refuses to sign a waiver releasing the Richmond Police Department/City of Richmond from liability.
(c) No lawful or safe parking area exists within the immediate vicinity of the detention.
(d) There is a likelihood of immediate or continued unlawful operation if the vehicle is not impounded. Relevant factors in determining the aforementioned likelihood are: (1) The unlicensed driver is the registered owner of the vehicle; and (2) There are articulable conditions present indicating the unlicensed driver will continue to drive the vehicle in question.
(e) The unlicensed driver refuses to sign an "Unlicensed Driver Hold Harmless Agreement" allowing the designated qualified licensed driver to drive the vehicle from the scene, if the unlicensed driver or the designated licensed driver is not the registered owner of the vehicle.
(f) The vehicle in question is a commercial motor vehicle as defined by CVC 15210(b)(1).

Unlicensed drivers and sobriety checkpoints (CVC2814.2):

(a) A peace officer or any other authorized person shall not cause the impoundment of a vehicle at a sobriety checkpoint if the driver’s only offense is a violation of CVC 12500.
(b) During the conduct of a sobriety checkpoint, if the officer encounters a driver who is in violation of CVC 12500, the officer shall make a reasonable attempt to identify the registered owner of the vehicle. If the registered owner is present, or the officer is able to identify the registered owner and obtain the registered owner’s authorization to release the motor vehicle to a licensed driver by the end of the checkpoint, the vehicle shall be released to either the registered owner of the vehicle if he or she is a licensed driver or to the licensed driver authorized by the registered owner of the vehicle.
(c) If a notice to appear is issued, the name and driver’s license number of the licensed driver to whom the vehicle was released pursuant to this subdivision shall be listed on the officer’s copy of the notice to appear issued to the unlicensed driver.
(d) During a sobriety checkpoint there must be a secured location provided to park vehicles awaiting the arrival of the authorized licensed driver. Any vehicle not retrieved by the end of the checkpoint shall be impounded. An officer or other authorized person must remain with the said vehicles until they have been retrieved or impounded.
(e) When a vehicle cannot be released, the vehicle shall be removed pursuant to CVC 22651 (p), whether a notice to appear has been issued or not.
502.3 TOWING SERVICES
The City of Richmond periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

502.4 VEHICLE INVENTORY
All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

502.5 SECURITY OF VEHICLES AND PROPERTY
Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

502.6 RELEASE OF VEHICLE
The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

(a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3 and Vehicle Code § 22850.5).

(b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit and payment of applicable fees related to the removal (Vehicle
Vehicle Towing and Release


(c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver’s license and applicable fees paid prior to the end of the 30-day impoundment period if the vehicle was stolen, if the driver reinstates his/her driver’s license, if the driver acquires a license and proper insurance, or under other circumstances as set forth in Vehicle Code § 14602.6.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.
Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE
This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

503.2 STORED OR IMPOUND HEARING
When a vehicle is stored or impounded by any member of the Richmond Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code §§ 22650(a) and 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

503.2.1 HEARING PROCEDURES
The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(d)). The Traffic Sergeant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code §§ 22851.3(e)(2) and 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §§14602.6(b) and 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code §§ 14602.6(b) or 14608(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations
where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.
Impaired Driving and Evidence Collection

504.1 PURPOSE AND SCOPE
This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

504.2 POLICY
The Richmond Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

504.3 INVESTIGATIONS
Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

504.4 FIELD TESTS
The Traffic Lieutenant should identify the primary field sobriety tests (FSTs) and any approved alternate tests for officers to use when investigating violations of DUI laws.

504.5 CHEMICAL TESTS
A person is deemed to have consented to a chemical test or tests under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

(b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

(e) The person is dead, unconscious or otherwise in a condition that renders him/her incapable of refusal (Vehicle Code § 23612(a)(5)).

504.5.1 CHOICE OF TEST
A person arrested for DUI has the choice of whether the test is of his/her blood or breath, and the officer shall advise the person that he/she has that choice. If the person arrested either is incapable, or states that he/she is incapable, of completing the chosen test, the person shall submit to the remaining test.
Impaired Driving and Evidence Collection

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

504.5.2 BREATH TEST
The Traffic Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Lieutenant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

504.5.3 BLOOD TEST
Only persons authorized by law to withdraw blood shall collect blood samples (Vehicle Code § 23158). The withdrawal of the blood sample should be witnessed by the assigned officer. No officer, even if properly certified, should conduct the blood withdrawal.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. Such inability to take a blood test should not be treated as a refusal. However, the person may be required to complete another available and viable test.

504.5.4 URINE TESTS
If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff of the same sex as the person giving the sample. The person tested should be allowed sufficient privacy to maintain his/
Impaired Driving and Evidence Collection

her dignity, to the extent possible, while still ensuring the accuracy of the specimen (Vehicle Code § 23158(i)).

The collection kit shall be marked with the person's name, offense, Richmond Police Department case number and the name of the witnessing officer. The collection kit should be refrigerated pending transportation for testing.

504.6 REFUSALS
When a person refuses to provide a viable chemical sample, officers should:

(a) Advise the person of the requirement to provide a sample (Vehicle Code § 23612).
(b) Audio-record the admonishment and the response if practicable.
(c) Document the refusal in the appropriate report.

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

504.6.1 FORCED BLOOD SAMPLE
When a person who has been arrested for DUI refuses to submit to a viable and appropriate test or fails to complete a selected test, a sample of that person's blood may be obtained for testing. If a person indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video if practicable.
(d) Ensure that the withdrawal is taken in a medically approved manner.
(e) Ensure the forced withdrawal is recorded on audio and/or video when practicable.
(f) 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.
2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.

(g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.7 ARREST AND INVESTIGATION

504.7.1 WARRANTLESS ARREST
In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

(a) The person is involved in a traffic accident.
(b) The person is observed in or about a vehicle that is obstructing the roadway.
(c) The person will not be apprehended unless immediately arrested.
(d) The person may cause injury to him/herself or damage property unless immediately arrested.
(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

504.7.2 STATUTORY WARNING
An officer requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

504.7.3 PRELIMINARY ALCOHOL SCREENING
Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, he/she shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

504.7.4 PRELIMINARY ALCOHOL SCREENING FOR MINORS
If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of
alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

504.7.5 OFFICER RESPONSIBILITIES
The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver’s license to the Department of Motor Vehicles (DMV).

(b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.

(c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

504.8 RECORDS SECTION RESPONSIBILITIES
The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney’s office.

504.9 ADMINISTRATIVE HEARINGS
The supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officers who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

Officers called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified. The Records Section should forward this to the prosecuting attorney as part of the case file.

504.10 TRAINING
The Training Sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney’s office and update training topics as needed.
Traffic Citations

505.1 PURPOSE AND SCOPE
This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

505.2 RESPONSIBILITIES
The Traffic Lieutenant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Section shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

505.3 DISMISSAL OF TRAFFIC CITATIONS
Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Traffic Lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Lieutenant may request the Patrol Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Division Commander for review.

505.4 VOIDING TRAFFIC CITATIONS
Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Traffic Unit.

505.5 CORRECTION OF TRAFFIC CITATIONS
When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Traffic Unit. The Traffic Unit shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.
505.6  DISPOSITION OF TRAFFIC CITATIONS
The court and file copies of all traffic citations issued by members of this department shall be forwarded to and filed with the Records Section.

Upon separation from employment with the this department, all employees issued traffic citations books shall return any unused citations to the Records Section.

505.7  NOTICE OF PARKING VIOLATION APPEAL PROCEDURE
Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

505.7.1  APPEAL STAGES
Appeals may be pursued sequentially at three different levels:

(a) Administrative reviews are conducted by the Traffic Unit which will review written/documentary data. Requests for administrative reviews are available at the front desk or Traffic Unit of the Richmond Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.

(b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.

(c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to The Superior Court of California.

505.7.2  TIME REQUIREMENTS
Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking (Violation Vehicle Code § 40215(a)).

(b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).

(c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code
§ 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

(d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209 and Vehicle Code § 40210).

505.7.3 COSTS

(a) There is no cost for an administrative review.

(b) Appellants must pay the full amount due for the citation, or provide satisfactory proof of their inability to pay, before receiving an administrative hearing.

(c) An appeal through Superior Court requires prior payment of filing costs including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

505.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile’s age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.
Disabled Vehicles

506.1 PURPOSE AND SCOPE
Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

506.2 OFFICER RESPONSIBILITY
When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

506.3 EXTENT OF ASSISTANCE
In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

506.3.1 MECHANICAL REPAIRS
Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

506.4 PUBLIC ACCESS TO THIS POLICY
This written policy is available upon request.
72-Hour Parking Violations

507.1 PURPOSE AND SCOPE
This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Richmond City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code §§ 22652.6 and 22669.

507.2 MARKING VEHICLES
Vehicles suspected of being in violation of the City of Richmond 72-Hour Parking Ordinance shall be marked and noted on the Richmond Police Department Abandoned Vehicle Report. A case number is required on the report.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Abandoned Vehicle Report. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

All Abandoned Vehicle Reports shall be submitted to the Watch Commander prior to the end of the shift.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and an Abandoned Vehicle Report completed and forwarded to the Traffic Unit.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

507.2.1 VEHICLE STORAGE
Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report (CHP form 180) shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Section immediately following the storage of the vehicle. It shall be the responsibility of the Records Section to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).
Chapter 6 - Investigation Operations
Investigation and Prosecution

600.1 PURPOSE AND SCOPE
When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2 MODIFICATION OF CHARGES FILED
Employees are not authorized to recommend to the District Attorney, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the District Attorney's Office or City Attorney's Office only as authorized by a Division Commander or the Chief of Police.

600.3 CUSTODIAL INTERROGATION REQUIREMENTS
Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the District Attorney and the Investigations Division supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should not allow the recording to take the place of a thorough report and investigative interviews and should continue to obtain written statements from suspects when applicable.
Sexual Assault Victims' DNA Rights

601.1 PURPOSE AND SCOPE
Consistent with Penal Code § 293 and the Sexual Assault Victims' DNA Bill of Rights (Penal Code § 680), this policy will establish a procedure by which sexual assault victims may inquire about and be provided with information regarding the status of any DNA evidence in their case, their right to confidentiality and other rights afforded by law.

601.2 INVESTIGATION CONSIDERATIONS

601.2.1 VICTIM CONFIDENTIALITY
Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code 293 § (a) and (b)).

(a) Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

601.2.2 OFFICER RESPONSIBILITY
Whenever there is an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a or 289, the assigned officer shall accomplish the following:

(a) Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).

(b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2(b)(1)).

1. Prior to any such examination the assigned officer shall ensure that the victim has been properly informed of his/her right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).

2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).
601.3 TESTING OF SEXUAL ASSAULT EVIDENCE

(a) Subject to available resources and other law enforcement considerations which may affect the ability to process and analyze rape kits or other sexual assault victim evidence and other crime scene evidence, any member of this department assigned to investigate a sexual assault offense (Penal Code §§ 261, 261.5, 262, 286, 288a or 289) should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g).

(b) In order to maximize the effectiveness of such testing and identifying the perpetrator of any sexual assault, the assigned officer should further ensure that the results of any such test have been timely entered into and checked against both the Department of Justice Cal-DNA database and the Combined DNA Index System (CODIS).

(c) If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue is not going to be analyzed within two years of the crime, the assigned officer shall notify the victim of such fact in writing within no less than 60 days prior to the expiration of the two-year period (Penal Code § 680(d)).

601.4 VICTIM NOTIFICATION OF DNA STATUS

(a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, the assigned officer may inform the victim of the status of the DNA testing of any evidence from the victim's case.

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. Absent a written request, no member of this department is required to, but may, communicate with the victim or victim's designee regarding the status of any DNA testing.

(b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights:

1. To be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.

2. To be informed whether or not there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

3. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Data Bank of case evidence.
Sexual Assault Victims’ DNA Rights

(c) Provided that the sexual assault victim or victim's designee has kept the assigned officer informed with regard to current address, telephone number and e-mail address (if available), any victim or victim's designee shall, upon request, be advised of any known significant changes regarding the victim's case.

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. No officer shall be required to or expected to release any information which might impede or compromise any ongoing investigation.

601.5 DESTRUCTION OF EVIDENCE
Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680 and only in compliance with the Property and Evidence Policy.
Sexual Assault Investigations

602.1 PURPOSE AND SCOPE
The purpose of this policy shall be to establish sexual assault and investigation guidelines for Officers and Investigators handling such cases. The Richmond Police Department recognizes the fact that sexual assaults (rape, sodomy, sexual assault, incest, child molestation, exploitation of children, and attempts thereof) are personal violent crimes that have great psychological and physical effects on the victims. It shall be the policy of this Department to conduct thorough investigations into all reported sexual assaults taking into consideration the needs of the victim. It is sufficient that a victim alleges an assault, and in no case shall the victim be discouraged from making a report. Because of the seriousness of these offenses and the delicate nature of the investigations involved, it is important for the department to undertake diligent investigations in order to increase the reporting of these crimes. Reducing recidivism through the apprehension and prosecution of the assailants is a department priority.

602.2 PROCEDURE
An initial sexual assault investigation can generally be divided into four areas of responsibility. These areas include the initial dispatch responsibility, identification and preservation of the victim, and investigative steps that can be utilized to identify the responsible party, or a suspect who is in custody, and developing a case for successful prosecution.

602.2.1 DISPATCHER RESPONSIBILITY
(a) Confirm the location of the victim and determine if he/she is injured and currently safe from the suspect.
(b) Obtain a description of the suspect, whether the suspect has left the scene and a direction of travel.
(c) Determine if the suspect was/is armed.
(d) Instruct the victim to not disturb the premises, to not wash and to await the arrival of the police.
(e) Initiate communication with Contra Costa County Regional Hospital for SART (Sexual Assault Response Team) examination.
   1. Through the SART Program, all advocates should arrive at the Regional Hospital prior to the forensic nurse beginning the examination process.
(f) Initiate communication with Community Violence Solutions (CVS). They will respond to the hospital and provide support, advocacy and counseling services.

602.2.2 ASSIGNED OFFICER'S RESPONSIBILITY AT THE SCENE
(a) Determine the location and condition of the victim.
Sexual Assault Investigations

(b) Determine if a crime has been committed. If a rape has not occurred, possibly an assault of another nature has taken place.

c) Instruct the victim to refrain from washing or changing clothes prior to medical treatment.

d) If immediate medical attention is required, call for paramedics.

e) Obtain updated information from the victim on the suspect, description, location and direction of flight.

(f) Briefly capsule with the victim the events that occurred and where these events occurred.

g) Notify the Team Sergeant of the circumstances.

(h) Re-interview the victim and all witnesses.

(i) Identify all persons with possible knowledge of the incident.

(j) Ensure the crime scene is documented (photos/videos).

(k) Facilitate the transportation of the victim to Contra Costa County Regional Hospital for SART (Sexual Assault Response Team) examination.

(l) Victim Interview:

   1. Determine the victim's activities prior to the time of the offense and any relationship with the suspect.

   2. Obtain the victim's account of the offense, from the time the suspect was first observed until the suspect left the scene.

   3. Obtain and note any distinctive statements made by the suspect.

   4. Determine and document any oddities or unusual MOs and/or trademarks demonstrated by the suspect.

   5. Note and document the victim's condition. This should include a statement as to the victim's mental state, the evidence of torn or disheveled clothing, etc.

   6. Obtain a complete description of the suspect.

(m) Evidence Technician Responsibilities: All evidence in support of the allegation of sexual assault should be gathered and preserved including:

   1. Photographs of victim, all injuries and crime scene(s);

   2. Findings in a sexual assault medical examination;

   3. Articles of clothing from the victim and the suspected offender;

   4. Biological body fluids;

   5. Bedding and/or other material used.
Sexual Assault Investigations

602.2.3 TEAM SERGEANT RESPONSIBILITIES

(a) Assign officers to insure the crime scene is protected and notify the Watch Commander.

(b) If a suspect has been apprehended:
   1. The suspect should initially be examined for any trauma that may have resulted from confrontation with the victim. As appropriate, the location of this physical trauma should be noted and photographed.
   2. The clothing of the suspect should be removed and preserved as evidence.
   3. Record any spontaneous statements or voluntary information from the suspect.

(c) If a suspect is not in custody:
   1. Attempt to ascertain a positive identification of the suspect.
   2. Determine a place of residence.
   3. Determine what vehicles the suspect drives/owns.

602.2.4 WATCH COMMANDER RESPONSIBILITIES

(a) Ensure that the Team Sergeant has adequate resources to maintain the crime scene.

(b) Notify the Criminal Investigations Section Lieutenant relative to call-out of Domestic and Sexual Violence Unit detectives.

(c) Notify the District Captain.

602.2.5 INVESTIGATOR RESPONSIBILITIES

(a) Conduct an assessment of all information and evidence obtained during the preliminary investigation to substantiate the allegation of sexual assault.

(b) Re-interview the victim.

(c) Suspect interview/interrogation: The suspect should be interviewed/interrogated using the following criteria as a guide:
   1. Advise suspect of his/her constitutional rights and the nature of the investigation when appropriate;
   2. Consider, evaluate and investigate all new information and alternative explanations provided by suspect;
   3. Corroborate information already obtained through investigation;
   4. Obtain incriminating statements including admissions and confessions (audio/video tape is best).
Sexual Assault Investigations

602.2.6 VICTIM NOTIFICATION OF INVESTIGATIVE PROCEDURES
   (a) If appropriate, the victim should be advised of the steps he/she will encounter during the preliminary investigation, to minimally include the following:
       1. In-depth interviews (specific/personal questions);
       2. Extensive medical examination protocol;
       3. Follow-up investigation procedures (interviews: identify suspects);
       4. Judicial process (courtroom testimony/procedures).
   (b) The victim should also be advised of the services available through Victim Witness Assistance for support and accompaniment during the investigation and prosecution of the case in coordination with the Contra Costa county District Attorney's Office.

602.2.7 SPECIAL NOTIFICATIONS
   (a) Notification of Children's Protective Services (CPS) shall be necessary when the victim is a minor and it appears that a parent, guardian or caretaker is an alleged offender.
   (b) The victim, if a minor, will be released to CPS under authority of 300 WIC, Police Protective Custody. The investigating officer will complete the appropriate release documentation prior to surrendering the victim to CPS.

602.2.8 ARREST OF SUSPECT
The following factors should be considered when determining whether or not to arrest the suspect:
   (a) Nature of the offense (felony/misdemeanor);
   (b) Imminent danger to the victim, community or self;
   (c) Likelihood the suspect will flee;
   (d) Potential ramifications of the arrest (may wish to file by complaint); and
   (e) Impact on the case development.

602.2.9 DOCUMENTATION
The preliminary investigative report should contain the necessary documentation including:
   (a) Statements of victim, witnesses, and accused;
   (b) Observations; i.e., victim's physical/emotional condition, etc.;
   (c) Physical evidence noted and secured;
   (d) Actions taken by the investigating officer and others.

The assigned patrol officer shall complete the crime and/or arrest report, with investigations preparing all appropriate supplemental investigative reports.
Sexual Assault Investigations

602.2.10 REPORTING REQUIREMENTS

(a) The final review and case summary completed by the assigned investigator should include:

1. Disposition of the victim;
2. Evidence identified and collected;
3. Statements (oral and written);
4. Disposition of the suspect;
5. Victim/Witness referrals provided;
6. Coordination and consultation with other involved agencies;
7. Need for confidentiality of case information and victim identification per Penal Code Section 293a.
8. Report of the case progress to appropriate parties to the offense.

(b) Timely Warnings and Press Releases!

1. If there is a potential threat to the community, the Chief of Police will authorize the issuance of a timely warning.
2. When appropriate, the Criminal Investigations Section Captain will insure that the assigned Domestic and Sexual Violence Unit investigator assists the Public Information Officer with preparing appropriate press releases.
3. In all cases, victim confidentiality will be maintained.
Asset Forfeiture Policy

603.1 PURPOSE AND SCOPE
This policy describes the authority and procedure for the seizure and liquidation of assets associated with specified controlled substances. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

603.2 ASSET SEIZURE AUTHORITY
Health & Safety Code § 11470 provides for the forfeiture of any currency, and real and/or personal property, which represents proceeds or was used to facilitate narcotic activity in violation of the Health & Safety Code. The offense(s) must involve the manufacturing, distribution, transportation for sale, sales, possession for sale, offer for sale, offer to manufacture, or the conspiracy to commit certain Health & Safety Code violations.

Health & Safety Code § 11488(a) specifies that any peace officer having probable cause, may seize all moneys, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to Health & Safety Code § 11470 (e) or (f).

603.3 ASSET FORFEITURE PROCEDURE
Before seizing any currency, vehicle or personal property pursuant to Health & Safety Code § 11470, a patrol officer should contact a narcotics detective. The following guidelines will be observed:

(a) The seizing officer or the detective will serve all persons with Notice of Seizure and Intended Forfeiture forms which includes an attached County of Origin Claim form Opposing Forfeiture, and a forfeiture receipt. Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicle or property seized.

(b) When someone has made notification other than the Asset Forfeiture detective, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the Asset Forfeiture detective in the Narcotics Unit, for review.

(c) Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income and other resources. The interviewing officer shall ensure that Miranda warnings are given and waivers obtained before interviewing any person who is in custody.

(d) Attempt to promptly determine all lien holders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification.

(e) The seizure of assets subject to forfeiture is a civil proceeding filed through the county of origin, Office of the District Attorney Forfeiture Unit and the Investigations Division.
603.3.1 SEIZED PROPERTY
Property seized subject to forfeiture will be inventoried and booked into Property. The property will be checked through the Automated Property System to determine if the property has been stolen.

The property will be booked as evidence, with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

603.3.2 SEIZED CURRENCY
Currency seized subject to forfeiture will be counted by the seizing officer and a supervisor. The currency will be placed in a money envelope with the denomination of the currency, totals of each denomination and total amount of currency enclosed noted on the money envelope. The officer counting and supervisor verifying money will initial and sign the envelope when sealed. If the currency will not fit into a standard money envelope, place the currency in a larger envelope or bag, sealing and affixing a completed money envelope to the outside of the larger envelope or bag which contains the currency.

Currency seized will be given to and retained by a supervisor, for deposit into the Asset Forfeiture Account. If there is a need to book the currency into evidence/property, the currency will be booked on a single property form notating "subject to asset forfeiture" in the comments section of the property form. The seizing officer shall notify the Patrol Division Commander of the booked currency and the circumstances of the seizure as soon as possible.

603.3.3 SEIZED VEHICLES
Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

603.4 ASSET FORFEITURE LOG
A computerized inventory of all asset forfeiture cases shall be kept in the Investigation Division. The inventory shall include the following:

- Case number
- Date of seizure
- Value
- Type of seizure (federal or state)
- Status of the seizure

Information maintained on the log will be provided to the Chief of Police or authorized staff, as requested.
603.5 PROCEEDS FROM FORFEITURE
Equitable shares received from seized assets shall be maintained in separate funds and shall be subject to accounting controls and annual financial audits.
Confidential Informants

604.1 PURPOSE AND SCOPE
In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Richmond Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

604.2 INFORMANT FILE SYSTEM
The Narcotics Unit Supervisor or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

604.2.1 FILE SYSTEM PROCEDURE
Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

(a) Informant's name and/or aliases
(b) Date of birth
(c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features
(d) Current home address and telephone numbers
(e) Current employer(s), position, address(es) and telephone numbers
(f) Vehicles owned and registration information
(g) Places frequented
(h) Informant's photograph
(i) Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable"
(j) Name of officer initiating use of the informant
(k) Signed informant agreement
(l) Update on active or inactive status of informant

The informant files shall be maintained in a secure area within the Narcotics Unit. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, a Division Commander, the Narcotics Unit Lieutenant, Narcotics Unit Sergeant or their designees.
Confidential Informants

604.3 USE OF INFORMANTS
Before using an individual as a confidential informant, an officer must receive approval from the Narcotics Unit Supervisor. The officer shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

604.3.1 JUVENILE INFORMANTS
The use of juvenile informants under the age of 13-years is prohibited. Except as provided for in the enforcement of the Tobacco Enforcement Act, Business & Professions Code §§ 22950, et seq., the use of any juvenile informant between the ages of 13 and 18-years is only authorized by court order obtained pursuant to Penal Code § 701.5.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

604.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS
All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

604.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS
No member of the Richmond Police Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Richmond Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following must be adhered to:
(a) Officers shall not withhold the identity of an informant from their superiors
(b) Identities of informants shall otherwise be kept confidential
(c) Criminal activity by informants shall not be condoned
(d) Informants shall be told they are not acting as police officers, employees or agents of the Richmond Police Department, and that they shall not represent themselves as such
(e) The relationship between officers and informants shall always be ethical and professional
Confidential Informants

(f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Narcotics Unit supervisor.

(g) Officers shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional officer or with prior approval of the Narcotics Unit Supervisor. Officers may meet informants of the opposite sex alone in an occupied public place such as a restaurant. When contacting informants of either sex for the purpose of making payments officers shall arrange for the presence of another officer, whenever possible.

(h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

604.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

604.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant’s personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

The Narcotics Unit Supervisor will discuss the above factors with the Patrol Division Commander and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15-percent.

604.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

(a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized not to exceed a maximum of $150,000.

(b) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized, not to exceed a maximum of $30,000.
604.5.3 PAYMENT PROCESS
A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The Chief of Police and the City Manager's signatures are required for disbursements over $500. Payments $500 and under may be paid in cash out of the Narcotics Unit Buy/Expense Fund. The Narcotics Unit Supervisor will be required to sign the voucher for amounts under $500.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Richmond Police Department case number shall be recorded on the cash transfer form. The form will be kept in the confidential informant's file.

If the payment amount exceeds $500.00, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Each confidential informant receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

604.5.4 REPORTING OF PAYMENTS
Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.
Investigations Division Personnel Notifications

605.1 PURPOSE AND SCOPE
Personnel assigned to the Investigations Division are subject to call-outs in emergency situations or when their expertise is needed to facilitate investigations.

605.2 HOMICIDE STAND-BY TEAM
The following situations require call-out of the Homicide Stand-by Team:

   (a) Any homicide;
   (b) Any major assault where death is likely;
   (c) Any assault on an Officer where the Officer suffers serious injury;
   (d) Any Officer-involved fatal incident situation;
   (e) Any Officer-involved shooting, regardless of injury.

Notification shall be made to the Investigations Division Command personnel as indicated on the weekly Investigations Division Call-Outs and Notifications list.

605.3 REQUESTS FOR INVESTIGATIONS SECTION INVESTIGATIVE ASSISTANCE

   (a) The Watch Commander may request the investigative assistance of Investigations Division personnel in the following and similar situations:

      1. Any assault where the victim is considered to have a serious, but not expected to be fatal, injury;
      2. Situations where the writing of a search warrant appears necessary;
      3. On a serious felony arrest where the prisoner indicates a desire to talk to a Detective;
      4. On a felony arrest where evidence, M.O., etc., indicates the arrestee is probably responsible for other previously reported crimes of a similar nature;
      5. In cases where a suspect is arrested pursuant to a Wanted Persons bulletin that authorized immediate notification of the designated Detective;
      6. In cases of missing young juveniles where foul play is suspected.

   (b) In the above situations the Watch Commander shall call the Investigations Division Lieutenant, who shall determine the need for call-out:

      1. If the Investigations Section Lieutenant cannot be reached, the Watch Commander shall call the appropriate Unit Supervisor.
      2. Requests for investigative assistance shall not normally be made directly to a Detective.
3. The Investigations Division Lieutenant shall authorize the number of personnel for a call-out.

4. Any drug or narcotic arrest in which the suspect wants to work with narcotic Officers.

5. Any drug or narcotic seizure of a sizeable amount.

6. When any person offers to work a drug or narcotic case of apparently large proportions and that person appears to have legitimate knowledge of the particulars of the case.

605.3.1 NOTIFICATIONS REGARDING IMPORTANT INFORMATION
The Watch Commander may also authorize the notification of the Section Lieutenant or Unit Supervisor in situations where the information is believed to be too important to wait until the next regular work day.

605.3.2 24-HOUR AVAILABILITY
The following personnel are generally available on a twenty-four (24) hour basis:

(a) Criminal Investigations Division Lieutenant
(b) Special Investigations Division Lieutenant
(c) Homicide Stand-by Team Sergeant
(d) Homicide Stand-by Team Detectives

Personnel assigned to the above positions are available by cellular telephone, however, in all cases, contact should first be attempted at the home telephone number. Only when that fails should the cellular telephone be used.

The Watch Commander or designees should always consult the weekly Investigations Section Call-Outs and Notifications list for current assignments to the above positions.

605.3.3 SECTION SUPERVISORS
Section Supervisors are also listed on the weekly Investigations Division Call-Outs and Notifications List. Section Supervisors are not on a twenty-four (24) hour availability status. The appropriate Investigations Division Lieutenant should be contacted prior to the Section Supervisor's response.
Eyewitness Identification

606.1 PURPOSE AND SCOPE
This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

606.1.1 DEFINITIONS
Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

606.2 POLICY
This department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

606.3 INTERPRETIVE SERVICES
Officers should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

606.4 EYEWITNESS IDENTIFICATION FORM
The Investigative Services supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process and any related forms or reports should provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.
Eyewitness Identification

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An admonishment that the suspect may or may not be among those presented and that the witness is not obligated to make an identification.

(f) An admonishment to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(g) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

The process and related forms should be reviewed at least annually and modified when necessary.

606.5 EYEWITNESS IDENTIFICATION

Officers are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Officers should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Each witness should be admonished that he/she is not required to make an identification of any person shown during an eyewitness identification process.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

606.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.
Eyewitness Identification

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

The order of the suspect or the photos and fillers should be randomized before being presented to each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

606.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the officer should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:
   1. The length of time the witness observed the suspect.
   2. The distance between the witness and the suspect.
   3. Whether the witness could view the suspect’s face.
   4. The quality of the lighting when the suspect was observed by the witness.
   5. Whether there were distracting noises or activity during the observation.
   6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
   7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

(e) A person should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.
Eyewitness Identification

(g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies an individual as the perpetrator, officers should not conduct any further field identifications with other witnesses for that suspect. In such instances officers should document the contact information for any additional witnesses for follow up, if necessary.

606.6 DOCUMENTATION
A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.
Brady Material Disclosure

607.1 PURPOSE AND SCOPE
This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "Brady information") to a prosecuting attorney.

607.1.1 DEFINITIONS
Definitions related to this policy include:

Brady information - Information known or possessed by the Richmond Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

607.2 POLICY
The Richmond Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Richmond Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

607.3 DISCLOSURE OF INVESTIGATIVE INFORMATION
Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.
607.4 DISCLOSURE OF PERSONNEL INFORMATION
Whenever it is determined that Brady information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

(a) In the event that a Pitchess motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of Brady information in the officer's personnel file.

(b) The prosecuting attorney should then be requested to file a Pitchess motion in order to initiate an in camera review by the court.

(c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(d) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant Brady information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

607.5 INVESTIGATING BRADY ISSUES
If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

607.6 TRAINING
Department members should receive periodic training on the requirements of this policy.
Unmanned Aerial System (UAS) Operations

608.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

608.1.1 DEFINITIONS
Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

608.2 POLICY
Unmanned aerial systems may be utilized to enhance the department’s mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

608.3 PRIVACY
The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

608.4 PROGRAM COORDINATOR
The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require authorization of the Chief of Police or the authorized designee, depending on the type of mission.
• Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
• Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
• Developing a protocol for fully documenting all missions.
• Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
• Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements.
• Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
• Facilitating law enforcement access to images and data captured by the UAS.
• Recommending program enhancements, particularly regarding safety and information security.
• Ensuring that established protocols are followed by monitoring the program.

608.5 USE OF UAS
Only authorized operators who have completed the required training shall be permitted to operate the UAS.

1. All flights will be approved in advance by a lieutenant and in the absence of management personnel, the sergeant will have the authority to approve missions.

2. All flights will be documented on the mission dispatch form designed for the purpose and all flight time shall be accounted for on the form. The reason for the flight and type of mission as specified and the name of the police manager or supervisor approving the mission will also be documented.

3. The manager or supervisor approving any flight missions, UAS operators and observers will consider the protection of individual civil rights and the reasonable expectation of privacy as a key component of any decision made to deploy the UAS. Each UAS operator and observer will ensure that the operation of the UAS is consistent with local, state, and federal laws.

4. The use of the UAS will be limited to the authorized missions described herein. The authorized missions for the RPD UAS are:
   • Post-incident crime scene preservation and documentation
   • Explosive Ordinance Disposal (EOD) missions
   • Response to hazardous materials spills
   • Search and Rescue (SAR) missions defined in California Government Code Section 26614
Unmanned Aerial System (UAS) Operations

- Public safety and life preservation missions to include barricaded suspects, hostage situations, civil unrest incidents, active shooters, apprehension of armed and dangerous and/or violent fleeing suspects, and high-risk search warrants
- Disaster response and recovery to include natural or human caused disasters including a full overview of a disaster area for post-incident analysis and documentation
- Training missions
- In response to specific requests from local, state, or federal fire authorities for fire response and prevention
- When there is probable cause to believe that (1) the UAS will record images of a place, thing, condition, or event; and (2) that those images would be relevant to proving that a certain felony had occurred or is occurring, or that a particular person committed or is committing a certain felony and the use of the UAS does not infringe upon the reasonable expectation of privacy
- Pursuant to a search warrant

608.6 PROHIBITED USE
The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

608.7 RETENTION OF UAS DATA
Data collected by the UAS shall be retained as provided in the established records retention schedule. Any recorded images shall be retained only when there is reasonable suspicion that the images contain evidence of a crime or are relevant to an ongoing investigation or trial and such images should only be kept until the case is adjudicated. Images captured during any training events are an exception and may be retained for the sole purpose of training and electronic administrative documentation of RPD employees.
Chapter 7 - Equipment
Department Owned and Personal Property

700.1 PURPOSE AND SCOPE
Employees are expected to properly care for department property in general, as well as department property that is specifically assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duties. Certain procedures should be followed depending on the ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY
Employees shall be responsible for the safekeeping, serviceable condition, proper care, use, and replacement of department property assigned or entrusted to them. An employee’s intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Employees shall promptly report, through their chain of command, any lost, damaged, or unserviceable condition of any department issued property or equipment assigned for their use;

(b) The use of damaged or unserviceable department property or equipment shall be discontinued as soon as practical and replaced with comparable department property or equipment as soon as available and following notice to a supervisor;

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it is assigned. Use shall be limited to official purposes and in the capacity for which such property was designed;

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authorization;

(e) In the event that any department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor;

(f) Employees shall assure that all Department insignia and/or patches are properly removed from any unserviceable uniforms or other garments.

700.3 PERSONAL PROPERTY
The Department will not provide reimbursement for damaged or loss of personal property with the exception of prescription eyewear damaged in the line of duty. Such requests must be made on the Department's "Voucher for Reimbursement for Articles Damaged in Line of Duty" form. This form shall be submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures.
supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by the Administration Division Captain and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police or his/her designee who will then forward the claim to the Risk Management section of the Human Resources Department and the Finance Department.

700.3.1 REPORTING REQUIREMENT
A verbal report concerning damage of eyewear in the workplace shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER
Officers and other employees intentionally or unintentionally may cause damage to the personal property of another while performing their duties. Any employee who damages or causes to be damaged any personal property of another while performing any policing functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit;

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made;

(c) The employee's supervisor shall submit a copy of the written report to the Administration Division Captain, who will provide a copy of same to the Office of the Chief of Police and to the City's Risk Management Director.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY
If employees of another jurisdiction cause damage to City property or the personal property of a Department employee, it shall be the responsibility of the employee present, or the employee responsible for the property, to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander as well as to the Administration Division Captain. A copy of this report will be forwarded by the Administration Division Captain to the Office of the Chief of Police and to the City's Risk Management director.
Personal Communication Devices

701.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generally refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY
The Richmond Police Department allows members to utilize department-issued or personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member’s PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities.

701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)
No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes (Penal Code § 1546; Penal Code § 1546.1).

701.4 DEPARTMENT-ISSUED PCD
Department-issued PCDs are provided as a convenience to facilitate on-duty performance. Such devices and the associated telephone number shall remain the sole property of the Department
and shall be subject to inspection or monitoring (including all related records and content) at any
time without notice and without cause.

701.5 PERSONALLY OWNED PCD
Members may carry a personally owned PCD while on-duty, subject to the following conditions
and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to
provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned
PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely
at the member’s expense.

(d) Use of a personally owned PCD for work-related business constitutes consent
for the Department to access the PCD to inspect and copy data to meet the
needs of the Department, which may include litigation, public records retention and
release obligations and internal investigations. If the PCD is carried on-duty, upon
request, members will provide the Department with the telephone number of the
device.

(e) All work-related documents, emails, photographs, recordings or other public records
created or received on a member’s personally owned PCD should be transferred to
the Richmond Police Department and deleted from the member’s PCD as soon as
reasonably practicable but no later than the end of the member’s shift.

(f) Members are not obligated or required to carry, access, monitor or respond to work
related electronic communications using a personally owned PCD while off-duty.

701.6 USE OF PCD
The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct
department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform,
unless it is in an approved carrier.

(b) A PCD may not be used to conduct personal business while on-duty, except for brief
personal communications (e.g., informing family of extended hours). Members shall
endeavor to limit their use of PCDs to authorized break times, unless an emergency
exists.

(c) Members may use a PCD to communicate with other personnel in situations where
the use of radio communications is either impracticable or not feasible. PCDs should
not be used as a substitute for, as a way to avoid, or in lieu of regular radio
communications.
(d) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(e) Members will not access social networking sites for any purpose that is not official department business.

(f) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES
The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.

2. Before conducting any administrative search of a member’s personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

701.8 USE WHILE DRIVING
The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public.

Unless emergency circumstances exist, members who are operating department vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5).

701.9 OFFICIAL USE
Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.
Vehicle Maintenance

702.1 PURPOSE AND SCOPE
Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES
When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair. Specifically, the employee will complete the Department's "Vehicle Repair Request" form. This is a form that is produced in triplicate. The yellow copy is maintained for the Department's file.

702.3 VEHICLE EQUIPMENT
Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES
Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook

702.3.2 UNMARKED VEHICLES
An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 20 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
Vehicle Maintenance

- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook

702.4 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized locations.

702.5 WASHING OF VEHICLES
All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

702.6 NON-SWORN EMPLOYEE USE
Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the "out of service" placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.
Vehicle Use

703.1 PURPOSE & SCOPE
The Department utilizes City owned motor vehicles for a variety of activities and purposes. In order to maintain a system of accountability and ensure City owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "City owned" as used in this section also refers to any vehicle leased or rented by the City.

703.2 USE OF VEHICLES

703.2.1 SHIFT ASSIGNED VEHICLES
Personnel assigned to routine scheduled field duties shall sign out their vehicle in the Patrol Division (PD) vehicle log at the start of his/her shift. Personnel shall then notify Communications Center and log onto their Mobile Data Computer (MDC) when going on duty. If the employee exchanges vehicles during the shift, the new vehicle number shall be called in and entered into the computer. At the conclusion of each shift personnel shall sign in their vehicle in the aforementioned Patrol Services Bureau (PSB) vehicle log.

The Watch Commander shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each shift and maintained in the Watch Commander's office. Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shift. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

In addition, when logging on and off with the Communications Center, personnel shall be required to give the dispatcher the mileage for the assigned vehicle. The dispatcher receiving the log on/off mileage shall enter this information into the computer aided dispatch system.

703.2.2 UNSCHEDULED USE OF VEHICLES
Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall notify the Watch Commander of the reasons for use. A notation will be made on the shift roster indicating the operator's name and the vehicle number. This does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, detectives), or to Property and Evidence Section personnel assigned transportation duties to and from the maintenance yard, etc. Property and Evidence Section personnel shall be responsible for maintaining records of the property transportation vehicles.

703.2.3 UNMARKED VEHICLES
Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.
Vehicle Use

703.2.4 AUTHORIZED PASSENGERS
Personnel operating department owned vehicles shall not permit persons other than City employees or persons required to be conveyed in the performance of their duties, or as otherwise authorized to ride, to be a passenger in their vehicle.

703.2.5 PARKING
City owned vehicles should be parked in their assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a City owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas. Department member's personal vehicles shall not be parked in front of the Police Station.

703.2.6 INSPECTIONS
The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

703.3 TAKE-HOME VEHICLES
City owned vehicles assigned to personnel for their use within their job assignment may be used to transport the employee to and from their residence for work related purposes as authorized by the appropriate Division Captain.

Such vehicles shall only be used for work related purposes only and shall not be used for personal errands, or transports, unless special circumstances exist and the employee's supervisor gives authorization. Employees may take home City owned vehicles only with prior approval from their Division Commander and shall meet the following criteria:

(a) The employee lives within a 40 minute (rules of the road obeyed and based on average traffic flow) response time of the Richmond City limits;
   1. A longer response time may be appropriate depending on the special assignment of the employee. In that event, the response time shall not exceed 1 hour.
(b) Off-street parking shall be available at the employee's residence;
(c) Vehicles shall be locked when not attended;
(d) All firearms and kinetic impact weapons shall be removed from the interior of the vehicle and placed in the trunk or properly secured in the residence when the vehicle is not attended (refer to Firearms Policy § 312 regarding safe storage of firearms at home).

When an employee is on vacation, leave, or out of the area in excess of one week, the vehicle shall be stored in a secure garage at the employee's residence or at the police facility.
Vehicle Use

The assignment of vehicles is at the discretion of the Chief of Police and/or his/her designee. Assigned vehicles may be changed at any time, and/or permission to take home a vehicle may be withdrawn at any time.

703.3.1 VEHICLES SUBJECT TO INSPECTION
All City owned vehicles are subject to inspection and or search at any time by a supervisor and no employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.4 KEYS
Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee’s chain of command.

703.5 ENFORCEMENT ACTIONS
When driving an assigned vehicle to and from work outside of the jurisdiction of the Richmond Police Department, an officer shall not become involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

Officers driving marked vehicles shall be armed at all times.

Officers may render public assistance, e.g. to a stranded motorist, when deemed prudent.

703.6 MAINTENANCE
   (a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle;
       1. Employees may use the wash racks at the police facility or maintenance yards (contract personnel may be used to clean vehicles, when available).
   (b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage;
   (c) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy;
   (d) Routine maintenance and oil changes shall be done in accordance with the shop schedule. The vehicles will normally be serviced at the City maintenance shop:
       1. When leaving a vehicle at the maintenance shop, the employee will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
Vehicle Use

703.6.1 ACCESSORIES AND/OR MODIFICATIONS
No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the Vehicle Fleet Manager or Coordinator.

703.7 COLLISION DAMAGE, ABUSE AND MISUSE
When a City-owned or leased vehicle is involved in a traffic collision, the involved employee shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction.

When a collision involves a department vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the California Highway Patrol should be summoned to handle the investigation.

Collisions involving a private passenger vehicle operated by an employee, when the vehicle use is at the request or direction of a supervisor and is in the performance of the employee's duties, shall be a liability of the Richmond Police Department, not the vehicle owner. Consideration should be given to an outside agency handling the collision investigation report (Insurance Code § 488.5).

The employee involved in the collision shall complete the City's vehicle collision form. If the employee is incapable, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the shift sergeant.

An administrative investigation will be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

703.8 TOLL ROAD USAGE
Law enforcement vehicles are not exempt from incurring toll road charges. Pursuant to the non-revenue policy of the toll roads, law enforcement agencies responding to an emergency or incident on the toll roads, while on duty, are exempt from paying the toll. Commuting, or returning to the City after an emergency does not qualify for this exemption and personnel using City owned vehicles are subject to the toll charge. To avoid unnecessary toll road violation charges, all employees operating a City owned vehicle upon the toll road shall adhere to the following and failure to do so may result in progressive discipline:

(a) All employees operating a City owned vehicle for any reason other than an initial response to an emergency shall stop and pay the appropriate toll charge. Employees may submit for reimbursement from the City for any toll fees;

(b) All employees passing through the Toll Plaza or booth during a response to an emergency shall draft a memo to their respective Division Commander within five working days explaining the circumstances.
Mobile Command Center (MCC)

704.1 PURPOSE AND SCOPE
Some major incidents engender special management challenges and require an on-site incident command structure to assist senior personnel in addressing the circumstance presented by the incident. The Mobile Command Center is a vital component to the police mission when major emergencies, natural and man-made disasters or special events in the community trigger the mobilization and coordination of significant resources in the field. Its primary use is to facilitate the management and coordination of personnel, communications, and equipment resources at complex incidents.

704.2 OPERATION
The mobility of the MCC provides for it to be sent wherever it may be most needed. Some of the critical in-field capabilities it offers include:

- Inter-operable communications across frequencies and jurisdictions
- Redundant voice and data communications
- Communications console that allows for dispatching and control over on-scene radio traffic
- Access to satellite television for important news and weather coverage
- Telescopic mast with camera that allows for outer perimeter vehicle placement without the loss of incident monitoring
- A functional conference area to support critical incident management and allow for the addition of supplementary responders and operational elements into the briefings for better incident coordination

704.3 ACTIVATION AND DEPLOYMENT
It is the policy of the Richmond Police Department to have the Mobile Command Center ready and available for use at any emergency, special operation, special event, or other function requiring the use of an on scene incident command post.

a) Deployment of the Mobile Command Center requires the activation of two designated Mobile Command Center Operators and the prior authorization of a command officer the rank of captain or above approving its use. Emergency response will have priority over all other uses.

b) Maintenance, care and readiness of the Mobile Command Center are the responsibility of the fleet coordinator and MCC Operator’s. It is to be restored to a clean and response-ready condition immediately following each deployment. A recurrent inventory and readiness check is to be performed at least once monthly to confirm deployment readiness.

c) All systems will be operated according to published Mobile Command Center guidelines, which will be kept in the vehicle at all times.
Mobile Command Center (MCC)

d) Authorized drivers will possess a valid Class B California Driver license with an airbrake endorsement and complete requisite training on the operation of the MCC and its systems.

e) A current list of MCC Operators will be maintained in the watch commander’s office. A copy of the list will also be kept in the MCC.
Chapter 8 - Support Services
Crime Analysis

800.1 PURPOSE AND SCOPE
The core philosophy of the Crime Analysis Unit is to provide Patrol, Investigations and Command Staff with proactive intelligence, criminal, tactical, strategic and administrative analyses. These products should directly support the mission and goals of the Richmond Police Department by aiding in the tactical, strategic and administrative decision-making processes of the organization as a whole. This section reports directly to the Investigations Division Lieutenant.

800.2 DATA SOURCES
It is the responsibility of the Crime Analyst to ensure the accuracy, timeliness and relevance of the data used in analytical products. Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Records Management System
- Statewide Integrated Traffic Reporting System (SWITRS)

800.3 CRIME ANALYSIS FACTORS
The Crime Analysis Unit shall be responsible for:

Overseeing and facilitating the COMPSTAT process.

Providing tactical analysis products to support operational planning relative to current crime series, patterns or trends.

Providing strategic analysis products to aid in long-range operational planning based on anticipated spikes or trends in activity.

Providing administrative analysis products that aid the administration in making decisions relative to workload, staffing, deployment and the overall operational needs of the department and community.

(a) Providing intelligence and behavioral analysis to aid investigators and task force personnel in:

Crime Analysis

2. Major case management.
3. Case visualization products i.e., link analysis, hierarchy depictions, time lines, telephonic record analyses, etc.
4. Investigative research and support.
5. Working in conjunction with investigative personnel to insure the validity of the information prior to dissemination.
6. Identifying potential suspects.

(b) Administration of the Field Interview Contact program.

1. Ensuring accurate and timely entry of Field Interview Contacts into the records management system.
2. Maintaining the hard copy cards for a period of at least 2 years, with an annual purge to be completed by the end of each calendar year.
3. Providing Field Interview Contact reports to patrol and investigations for use in patrol, suppression, apprehension, prevention and investigative activities.

800.4 CRIME ANALYSIS DISSEMINATION
Crime analysis information and products shall be disseminated to the appropriate units or persons in a timely manner. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them.

Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. Release of statistical information to the public shall be done in accordance with the California Public Records Act (Government Code §6250, et seq.)

800.4.1 EXAMPLE OF MONTHLY COMPSTAT INFORMATION
This data and statistical information is included in the monthly COMPSTAT report.

- Citywide Crime Statistics
- Part 1 Crime - Percentage Change by Area
- Southern District COMPSTAT Report
- Central District COMPSTAT Report
- Northern District COMPSTAT Report
- Citywide Data - Firearm Assault Comparison by Area
- Citywide Data - Robbery Comparison by Area
- Citywide Data - Auto Theft Comparison by Area
- Citywide Data - Residential Burglary Comparison by Area
Crime Analysis

- Beat 1 COMPSTAT Report
- Beat 2 COMPSTAT Report
- Beat 3 COMPSTAT Report
- Beat 4 COMPSTAT Report
- Beat 5 COMPSTAT Report
- Beat 6 COMPSTAT Report
- Beat 7 COMPSTAT Report
- Beat 8 COMPSTAT Report
- Beat 9 COMPSTAT Report
- ShotSpotter Monthly Activity Reports
Building Security

801.1 PURPOSE AND SCOPE
The purpose of this policy is to provide for the safety of all Richmond Police Department employees while in and around departmental buildings, ensure the security of police records, and to safeguard departmental property.

801.2 POLICY
The Richmond Police Department and Richmond Police Department Communications Center, including its associated buildings, grounds, and parking lots are secure facilities and areas that are not open to the public at-large. Only Richmond Police Department employees and other authorized persons shall have the authority to access these non-public areas.

801.3 DEFINITIONS
- Richmond Police Department Employee: Any person who is employed by the Richmond Police Department in a full-time, part-time, temporary, volunteer, sworn, or civilian capacity. (Note - Employees on Administrative Leave or Injury Leave must obtain approval from their supervisor prior to entering a departmental facility.)
- Official Identification: Federal or state issued government identification, or law enforcement identification issued by a federal, state, county, or municipal government law enforcement agency. For the purposes of this section, official Identification means a form of identification with a photo. For example, although a Social Security card can rightly be considered a form of federal government identification, it would not by itself be a sufficient form of identification to grant a person access to non-public areas within the police department.
- Visitor Escort Required: A person, 18 years of age or older, that requires escort by a Richmond Police Department employee while inside Richmond Police Department facilities.
- Visitor No Escort Required: A person, 18 years of age or older, that does not require escort by a Richmond Police Department employee while inside Richmond Police Department facilities.
- Public Areas: The lobby of the Richmond Police Department and the public portion of the parking lot area.
- Non-public Areas: Any area inside the Richmond Police Department beyond the lobby, or requiring key card access, code access, or a Richmond Police Department key to gain access, as well as, the “Authorized Vehicles Only” area of the parking lot.

801.4 PROCEDURES

801.4.1 ACCESS CONTROL
All exterior doors to the Richmond Police Department and the Richmond Police Department Communications Center shall remain closed and locked when not actively in use.
Building Security

Exterior doors shall not be left unlocked, propped open, or otherwise unsecured unless a Richmond Police Department employee is present and monitoring the specified area.

Building security is the responsibility of every Richmond Police Department employee. Any employee who encounters an unlocked or propped open door shall secure it. Any employee who discovers a defective door lock shall report it to the Watch Commander. The Watch Commander shall note the report of any malfunctioning lock on the shift log and notify Building Services at PDMaintenance@richmondpd.net

If an employee observes an unauthorized person in a non-public area of a departmental building or parking lot, they shall contact that person to ascertain the nature of their business and escort them from the secure area.

801.4.2 LIMITED ACCESS AREAS
The Chief’s Office, Records Section, and Property and Evidence Vault are limited access areas within the department. Only assigned or designated personnel shall have access to these areas.

801.4.3 VISITOR ACCESS PROCEDURE
All visitors to the Richmond Police Department shall adhere to the following procedures:

(a) In general, visitors will be allowed to access secure areas of the department during the following times: 0700 to 2000 hours. Members of law enforcement organizations and citizen ride-a-longs are exempt from this element of the Visitor Access Procedure. However, they must adhere to the other provisions of the Visitor Access Procedure.

(b) Visitors must enter and leave the department building through the front lobby area.

(c) Visitors must check in with the Records Section prior to entering the non-public areas of the building and check out with the Records Section prior to leaving the building.

(d) Prior to being granted access to non-public areas of the building all visitors must show Records Section personnel some type of official identification, or be positively identified by the sponsoring employee.

(e) Visitors who require an escort shall wear the temporary identification given to them by the Records Section. This identification shall be worn on the outermost garment so that it can be readily seen by department employees.

(f) Visitors who require an escort must be in close physical proximity to their escort and/or a department employee at all times. The only non-public area exempted from this aspect of the policy is the restroom.

(g) It shall be the responsibility of the sponsoring employee to ensure their visitor complies with the Visitor Access Procedure.

Visitor No Escort Required

The following are two categories of visitors who do not require an escort in department facilities:

(a) City of Richmond employees who regularly work within the police department, have undergone a background investigation, obtained California Department of Justice fingerprint clearance, and have been granted access by the Chief of Police/designee.
Building Security

All other City of Richmond employees must go through the regular Visitor Access Procedure.

(b) Members of federal, state, or local law enforcement agencies do not require an escort when in departmental buildings or facilities on official business. However, they must go through the Visitor Access Procedure as described in this policy and wear the credentials from their agency in a prominent manner.

Visitor Escort Required

Except for the two categories of visitors referenced above, all other visitors will require an escort when in departmental facilities and must submit to the Visitor Access Procedure prior to being granted access to the non-public areas of the department.

Records Section Responsibilities

In general, the role of Records Section personnel is to facilitate the visitor entry/exit process. Records Section personnel shall adhere to the following procedures:

(a) Ensure visitors check in and out through the iLobby iPad.
(b) Review the visitor’s official identification, confirm their identity, and issue them a temporary badge.
(c) If necessary, assist visitors with contacting or notifying the employee sponsoring the visit.
(d) Ensure visitor records are maintained.
(e) Records Section personnel shall not give any visitor access to non-public areas of the building until that person has successfully completed the check in procedure.

Exceptions

(a) Public events - For larger events it may be impractical to strictly adhere to the Visitor Access Procedure. Exceptions for public events must be approved by the Chief of Police/designee and information about the event, including the alternative procedure, must be distributed to the entire department via email.
(b) Secure hallway - Departmental employees meeting with members of the public (e.g., victims, witnesses) in the secure hallway adjacent to the lobby do not need to sign them in through the Visitor Access Procedure. However, if they go beyond the secure hallway to the restroom, or other secure area within the department, they must adhere to the Visitor Access Procedure.
(c) Other - Any member of the organization may request an exemption from an aspect of this policy. All such requests must be made in writing through the chain of command to the Chief's Office.
Communication Operations

802.1 PURPOSE AND SCOPE
The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demands upon the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any department, large or small, uses available information technology in fulfillment of its missions.

802.1.1 FCC COMPLIANCE
Richmond Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

802.2 COMMUNICATION OPERATIONS
This department provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This department provides access to the 911 system for a single emergency telephone number. This department has two-way radio capability providing continuous communication between Communications Center and officers.

802.2.1 COMMUNICATIONS LOG
It shall be the responsibility of Communications Center to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Control number
- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Location of incident reported
- Identification of officer(s) assigned as primary and backup
- Time of dispatch
- Time of the officer's arrival
- Time of officer's return to service
- Disposition or status of reported incident
Communication Operations

802.3 RADIO COMMUNICATIONS
Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow officers know the status of officers, their locations and the nature of cases.

802.3.1 OFFICER IDENTIFICATION
Identification systems are based on factors such as beat assignment and officer identification numbers. Employees should use the entire call sign when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.
Property and Evidence

803.1 PURPOSE AND SCOPE
This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

803.2 DEFINITIONS
Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:
- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

803.3 PROPERTY HANDLING
Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

803.3.1 PROPERTY BOOKING PROCEDURE
All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

(a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
803.3.2 NARCOTICS AND DANGEROUS DRUGS
All narcotics and dangerous drugs shall be booked separately using a separate Property Receipt and Release form (RPD 87-1). All narcotics and dangerous drugs shall be packaged in a Suspected Controlled Substances Evidence envelope (CL-015).
Paraphernalia as defined by Health and Safety Code § 11364, or other non-narcotic and dangerous drug evidence shall also be booked separately.
The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by the Property Receipt and Release form (RPD 87-1).

803.3.3 EXPLOSIVES
Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.
Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property and Evidence Technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

803.3.4 EXCEPTIONAL HANDLING
Certain property items require a separate process. The following items shall be processed in the described manner:
(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
(b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property and Evidence Technician, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property and Evidence Technician, or placed in the bicycle storage area until a Property and Evidence Technician can log the property.

(d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Watch Commander shall be contacted for cash in excess of $1,000 for special handling procedures.

(e) Latent fingerprints are to be placed in the latent print envelope that is completed by the employee collecting the prints and shall be booked in the designated latent fingerprint locker.

(f) Elimination fingerprints shall be placed directly in the latent fingerprint envelope and shall be booked in the designated latent fingerprint locker with the latent prints collected in connection with the same case.

(g) Firearms shall be processed by an Evidence Technician for evidentiary purposes. All firearms that come into the custody of the Department are possible crime guns and should be treated accordingly. The Officer who books the firearm(s) shall complete the following forms for each firearm booked:

1. Property Receipt and Release form (RPD 87-1).
2. Contra Costa County Gun Property Record (also known as the IBIS "blue card").
3. BATF National Tracing Center Trace Request (ATF F 3312.1).
4. AFS Entry Request (form RPD SSB02-03).

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

803.4 PACKAGING OF PROPERTY
Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs

(b) Firearms (ensure they are unloaded and booked separately from ammunition)

(c) Property with more than one known owner

(d) Paraphernalia as described in Health and Safety Code § 11364

(e) Fireworks

(f) Contraband
803.4.1 PACKAGING CONTAINER
Employees shall package all property, except narcotics and dangerous drugs, in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A Property Receipt and Release form (RPD 87-1) shall be securely attached to the outside of all items or group of items packaged together.

803.4.2 PACKAGING NARCOTICS
The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by two copies of the Property Receipt and Release form. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer’s report.

Narcotics and dangerous drugs shall be packaged in a Suspected Controlled Substances Evidence envelope. Items too large for an envelope shall be bagged and a CL-015 envelope will be placed on the bag. Large narcotics, such as plant material and plants, can be placed in a large brown paper bag, the Controlled Substances Evidence envelope completed and attached to the bag with the Property Receipt and Release form. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed Property Receipt and Release form shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

803.5 RECORDING OF PROPERTY
The Property and Evidence Technician receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the white copy of the Property Receipt and Release form. The blue copy of the Property Receipt and Release form shall be attached to the bag, envelope or container that contains the listed property/evidence.

A bar code number shall be obtained for each item or group of items. This number shall be recorded on the Property Receipt and Release form.

Any changes in the location of property held by the Richmond Police Department shall be noted in the bar code system.

803.6 PROPERTY CONTROL
Each time the Property and Evidence Technician receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the Property and Evidence Technician at least one day prior to the court day and present their subpoena.
803.6.1 RESPONSIBILITY OF OTHER PERSONNEL
Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of evidence/custody.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property and Evidence Technician. This request may be filled out any time after booking of the property or evidence.

803.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY
The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The Property and Evidence Technician releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the property and evidence storage room for filing with the case.

803.6.3 STATUS OF PROPERTY
Each person receiving property will make the appropriate entry to document the chain of evidence/custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom released.

The Property and Evidence Technician shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

If the Officer does not return the property/evidence or a transfer receipt to the Property and Evidence Storage room by the end of the business day, the Property and evidence technician shall notify in writing the Property and Evidence Technician Supervisor no later than 0900 hours of the following business day. The Property and Evidence Technician Supervisor shall cause a notice to be sent immediately to the Supervisor of the Officer who checked out the property/evidence, notifying him/her to conduct an investigation on the whereabouts of the evidence. When such a notice involves narcotics, money, firearms or other notable valuable property, the Property and Evidence Technician Supervisor shall also notify the Administration Division Commander in writing. At the direction of the Administration Division Commander, a copy of the notice will be routed immediately to the Office of Professional Accountability.

803.6.4 AUTHORITY TO RELEASE PROPERTY
The Investigations Division shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.
803.6.5  RELEASE OF PROPERTY
All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property and Evidence Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Section for filing with the case. If some items of property have not been released the property card will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 12021.3(e).

The Property and Evidence Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

803.6.6  DISPUTED CLAIMS TO PROPERTY
Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.
All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

803.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS
The Property and Evidence Room (Property Vault) will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health & Safety Code § 11364.

803.7 DISPOSITION OF PROPERTY
All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property and Evidence Technician shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

803.7.1 EXCEPTIONAL DISPOSITIONS
The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code §§ 12028; 12029; 12251)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474, etc.)
- Unclaimed, stolen or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 12307)

803.7.2 UNCLAIMED MONEY
If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).
Any individual item with a value of less than $15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall be used for purposes of victim services.

803.7.3  RETENTION OF BIOLOGICAL EVIDENCE
The Property and Evidence Technician Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant
(b) The defendant's attorney
(c) The appropriate prosecutor and Attorney General
(d) Any sexual assault victim
(e) The Investigations Division Lieutenant

Biological evidence shall be retained for a minimum period established by law (Penal Code § 1417.9) or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigations Division Lieutenant.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to the expiration of the statute of limitations. Even after the expiration of an applicable statute of limitations, the Investigations Division Lieutenant should be consulted and the sexual assault victim should be notified.

803.8  INSPECTIONS OF THE EVIDENCE ROOM
(a) On a monthly basis, the Sergeant with collateral assignment responsibility for the Property and Evidence Room shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(c) An annual audit of evidence held by the Department shall be conducted by a Division Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.

(d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.
Records Section Procedures

804.1 PURPOSE AND SCOPE
The Records Supervisor shall maintain the Department Records Section Procedures Manual on a current basis to reflect the procedures being followed within the Records Section. Policies and procedures that apply to all employees of this department are contained in this chapter.

804.1.1 NUMERICAL FILING SYSTEM
Case reports are filed numerically within the Records Section by Records Section personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number YY-00001 would be the first new case beginning January 1 of a new year.

804.2 FILE ACCESS AND SECURITY
All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Section accessible only to authorized Records Section personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Watch Commander.

Richmond Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

804.2.1 REQUESTING ORIGINAL REPORTS
Generally, original reports shall not be removed from the Records Section. Should an original report be needed for any reason the requesting employee shall first obtain authorization from the Records Supervisor. All original reports removed from the Records Section shall be recorded on the Report Check-Out Log which shall constitute the only authorized manner by which an original report may be removed from the Records Section.

804.3 DETERMINATION OF FACTUAL INNOCENCE
In any case where a person has been arrested by officers of the Richmond Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Records Supervisor. The Records Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Records Supervisor should forward the petition to the Investigations Division Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the
Investigations Division Supervisor and the Administration Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Records Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).

The Administration Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.
Restoration of Firearm Serial Numbers

805.1 PURPOSE AND SCOPE
The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

805.2 PROCEDURE
Any firearm coming into the possession of the Richmond Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

805.2.1 PRELIMINARY FIREARM EXAMINATION
(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

805.2.2 PROPERTY BOOKING PROCEDURE
Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into the property and evidence room following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.
805.2.3 OFFICER RESPONSIBILITY
The Property and Evidence Technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

805.2.4 DOCUMENTATION
Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

805.2.5 FIREARM TRACE
After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property and Evidence Technician will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

805.3 BULLET AND CASING IDENTIFICATION
Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.
Records Release and Security

806.1 PURPOSE AND SCOPE
The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with applicable law.

806.2 PUBLIC REQUESTS FOR RECORDS
The California Public Records Act (Government Code § 6250, et seq.) provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to exemptions set forth in the Act or otherwise established by statute. Public requests for records of this department shall be processed as follows:

806.2.1 PROCESSING OF REQUESTS
Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a written and signed request for each record sought and paying any associated fees (Government Code § 6253).

The processing of requests is subject to the following limitations:

(a) The employee processing the request shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Chief of Police or the authorized designee. If an extension is authorized, the Department shall provide written notice of the extension to the requesting party (Government Code § 6253(c)).

(b) In accordance with the Public Records Act, the Department is not required to create records that do not otherwise exist in order to accommodate a request under the Act.

Requests by elected officials for records that are not open to public inspection should be referred to the Administration Division Commander for a determination as to whether the records will be released.

806.3 REPORT RELEASE RESTRICTIONS
Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this department shall be made public subject to the following restrictions:

806.3.1 GENERAL CASE AND CRIME REPORTS
Reports containing any of the items listed below will not be released:

(a) **Victim information** - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses (e.g., sex crimes, Penal Code § 293) shall not be made public. No employee shall
disclose to any arrested person or to any person who may be a defendant in a criminal action the address or telephone number of any person who is a victim or witness in the alleged offense, unless it is required by law (Penal Code § 841.5).

(b) **Confidential information** - Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public.

1. Analysis and conclusions of investigating officers may also be exempt from disclosure.

2. If it has been noted in any report that any individual wishes to protect his/her right to privacy under the California Constitution, such information may not be subject to public disclosure.

(c) **Specific crimes** - Certain types of reports involving, but not limited to, child abuse/molestation (Penal Code § 11167.5), elder abuse (Welfare and Institutions Code § 15633) and juveniles (Welfare and Institutions Code § 827) shall not be made public.

(d) **General information** - Absent statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).

(e) **Deceased juvenile crime victims** - The Code of Civil Procedure § 130 limits the dissemination of autopsy and private medical information concerning a murdered child by allowing families to request that the autopsy report of the victim be sealed from public inspection. Such requests shall be honored, with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

**806.3.2 ARREST REPORTS**

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney or the courts pursuant to Penal Code § 1054.5.

Local criminal history information including, but not limited to, arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

**806.3.3 TRAFFIC COLLISION REPORTS**

Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV),
other law enforcement agencies and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

806.3.4 PERSONNEL RECORDS
Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Government Code § 6254(c); Penal Code § 832.7; Penal Code § 832.8).

Peace officer personnel records are deemed confidential (Penal Code § 832.7, et seq.) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (Evidence Code § 1043, et seq.).

The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police or as required by law.

806.3.5 CONCEALED WEAPONS PERMITS
Information contained in CCW permit applications or other files which would tend to reveal where the applicant is vulnerable or which contains medical or psychological information shall not be made public (Government Code § 6254(u)).

806.3.6 DOMESTIC VIOLENCE REPORTS
Victims of domestic violence or their representative shall be provided, without charge, one copy of all domestic violence incident report face sheets, one copy of all domestic violence incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

806.4 OTHER RECORDS
Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege or to the security of the department's electronic technology systems (Government Code § 6254(k); Government Code 6254.19).

The Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure (Government Code § 6255).

Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure (Government Code § 6254(b)).

806.4.1 PERSONAL IDENTIFYING INFORMATION
Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).
806.5 SUBPOENA DUCES TECUM
Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the Court that will automatically require the release of the requested information.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

806.6 RELEASED RECORDS TO BE STAMPED
Each page of any record released pursuant to a Public Records Act request or Subpoena Duces Tecum shall be stamped in red ink with a departmental stamp identifying the individual to whom the record was released.
Criminal Offender Record Information (CORI)

807.1 PURPOSE & SCOPE
This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

807.2 AUTHORITY
This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California, Title 11, California Code of Regulations. Other authority includes Penal Code § 11105, which delineates who has access to Criminal Offender Record Information (CORI), and Penal Code §§ 11140 through 11144, which establishes penalties for the improper use of rap sheets.

807.3 DEFINITIONS
Criminal Offender Record Information - (CORI) shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any RPD documents containing a list of prior arrests.

Criminal Justice Agency - A public agency or component thereof which performs a criminal justice activity as its principal function.

Authorized Recipient - Any person or agency authorized by court order, statute or case law to receive CORI.

Right to Know - Persons or agencies authorized by court order, statute or decisional case law to receive the information.

Need to Know - A necessity exists to obtain CORI in order to execute official responsibilities.

807.4 AUTHORIZED RECIPIENTS OF CORI
CORI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

The California Department of Justice has issued a list of agencies authorized to receive criminal history information. Persons not included in the Department of Justice list are not authorized recipients and shall not receive CORI.

807.4.1 CRIMINAL RECORD SECURITY OFFICER
The Records Supervisor is the designated Criminal Record Security Officer for the Richmond Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CORI.
807.4.2 RELEASE OF CORI
Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Criminal Records Security Officer
(b) Records Supervisor
(c) Full-time employees of the Records Section
(d) Personnel specifically designated in writing by Division Commanders with the concurrence of the Criminal Records Security Officer

807.4.3 RELEASE OF CORI TO FIELD PERSONNEL
Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the officer or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

807.5 JUVENILE RECORDS
Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to Policy Manual § 324 for more specific information regarding cases involving juveniles.

807.6 REVIEW OF CRIMINAL OFFENDER RECORD
Penal Code §§ 11120 through 11127 provide the authority and procedure whereby an individual may review his/her own California Department of Justice (CII) rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements.

807.7 PROTECTION OF CORI
CORI shall be stored in the Records Section where constant personnel coverage will be provided. CORI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms.

Direct access to CORI stored in the Records Section shall be restricted to the Records Section personnel authorized to release it. Direct access to CORI stored in desks, file cabinets, and rooms
outside the Records Section shall be restricted to those persons who possess both the right to
know and the need to know the information.

807.7.1 COMPUTER TERMINAL SECURITY
Computer terminal equipment capable of providing access to automated criminal offender record
information is located in the Records Section, Communications Center and in the Investigations
Division to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CORI
until the operator has completed the appropriate training.

807.7.2 DESTRUCTION OF CORI
When any document providing CORI has served the purpose for which it was obtained, it shall
be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

807.7.3 CUSTODIAN OF CRIMINAL RECORDS
The Records Supervisor, unless otherwise directed by the Administration Division Commander,
shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal
Records shall be responsible for the security, storage, dissemination and destruction of criminal
records, and will serve as a primary contact for the California Department of Justice for any related
issues. The Administration Division Commander may appoint other department employees to the
role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal
records.

The Administration will ensure that he/she makes the appropriate applications and notifications
to the California Department of Justice regarding the Department's Custodian of Criminal Record
appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of
records for other statutory purposes but is narrowly tailored to address issues of criminal history
records.

807.8 TRAINING PROGRAM
All personnel authorized to process or release CORI shall be required to complete a training
program prescribed by the Criminal Record Security Officer. The Training Bureau shall coordinate
the course to provide training in the proper use, control, and dissemination of CORI.

807.9 PENALTIES FOR MISUSE OF RECORDS
Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess
Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies
violating the Regulations Regarding the Security of Criminal Offender Record Information in
California may lose direct access to CORI maintained by the California Department of Justice.
Criminal Offender Record Information (CORI)

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).
Computers and Digital Evidence

808.1 PURPOSE AND SCOPE
This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

808.2 SEIZING COMPUTERS AND RELATED EVIDENCE
Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

   1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
   2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).

(e) Label each item with case number, evidence sheet number, and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

   1. Where the computer was located and whether or not it was in operation.
   2. Who was using it at the time.
   3. Who claimed ownership.
Computers and Digital Evidence

4. If it can be determined, how it was being used.

   (i) In most cases when a computer is involved in criminal acts and is in the possession of
   the suspect, the computer itself and all storage devices (hard drives, tape drives, and
   disk drives) should be seized along with all media. Accessories (printers, monitors,
   mouse, scanner, keyboard, cables, software and manuals) should not be seized
   unless as a precursor to forfeiture.

808.2.1 BUSINESS OR NETWORKED COMPUTERS
If the computer belongs to a business or is part of a network, it may not be feasible to seize the
entire computer. Cases involving networks require specialized handling. Officers should contact a
certified forensic computer examiner for instructions or a response to the scene. It may be possible
to perform an on-site inspection, or to image the hard drive only of the involved computer. This
should only be done by someone specifically trained in processing computers for evidence.

808.2.2 FORENSIC EXAMINATION OF COMPUTERS
If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or
any other storage media is required, forward the following items to a computer forensic examiner:

   (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
   (b) Copy of a consent to search form signed by the computer owner or the person in
       possession of the computer, or a copy of a search warrant authorizing the search of
       the computer hard drive for evidence relating to investigation.
   (c) A listing of the items to search for (e.g., photographs, financial records, e-mail,
       documents).
   (d) An exact duplicate of the hard drive or disk will be made using a forensic computer
       and a forensic software program by someone trained in the examination of computer
       storage devices for evidence.

808.3 SEIZING DIGITAL STORAGE MEDIA
Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or
flash memory devices should be seized and stored in a manner that will protect them from damage.

   (a) If the media has a write-protection tab or switch, it should be activated.
   (b) Do not review, access or open digital files prior to submission. If the information is
       needed for immediate investigation request the Property and Evidence Section to copy
       the contents to an appropriate form of storage media.
   (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep
       all media away from magnetic devices, electric motors, radio transmitters or other
       sources of magnetic fields.
(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

808.4 SEIZING PCDS
Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

808.5 DIGITAL EVIDENCE RECORDED BY OFFICERS
Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

808.5.1 COLLECTION OF DIGITAL EVIDENCE
Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

808.5.2 SUBMISSION OF DIGITAL MEDIA
The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Section as soon as possible for submission into evidence.

(b) Officers are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.
(c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.

(d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.

(e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

808.5.3 DOWNLOADING OF DIGITAL FILES
Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

808.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.
Chapter 9 - Custody
Temporary Holding Facility

900.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines and procedures for the booking, housing, security and release of prisoners at the Richmond Police Department's Temporary Holding Facility.

In addition to this policy, the Richmond Police Department shall maintain the Operations and Procedures Manual to guide the operation of the Temporary Holding Facility.

The Department shall maintain the custody of prisoners in accordance with this policy, the Operations and Procedures Manual and in accordance with applicable law.

900.1.1 SUPERVISION OF PRISONERS
No prisoner will be held in the Temporary Holding Facility unless there is a designated employee who remains within the police building who can supervise the Temporary Holding Facility and respond to emergencies. This person will be designated by the Temporary Holding Facility supervisor and must not leave the police building while prisoners are in custody. This person will not have other duties that could conflict with the supervision of prisoners. Whenever one or more female inmates is in custody, there shall be at least one female employee, who shall be immediately available and accessible to such females (15 CCR § 1027).

Custodial personnel who are responsible for supervising prisoners in the Richmond Police Department Temporary Holding Facility shall complete eight hours of specialized training (15 CCR § 1024). Such training shall include, but not be limited to, the following:

(a) Applicable minimum jail standards
(b) Jail operations liability
(c) Inmate segregation
(d) Emergency procedures and planning
(e) Suicide prevention

Such training shall be completed as soon as practicable, but in any event not more than six months after the date of assigned responsibility. Eight hours of refresher training shall be completed once every two years (15 CCR § 1024). A record of such training shall be maintained in the employee's training file.

900.1.2 DETENTION OF PRISONERS IN THE TEMPORARY HOLDING FACILITY
It is the policy of the Richmond Police Department that prisoners detained in the Temporary Holding Facility shall be released or transported to another facility, per the provisions of this manual, as soon as possible and practical.
900.1.3 NON-DETAINABLE PRISONERS
Arrestees who fall within the following classifications should not be detained in the Temporary Holding Facility. They should be transported to the county jail, the designated medical facility or the county mental health facility, as appropriate:

(a) Any person who is sick, injured or who has any other medical condition, including pregnant females, who may require medical attention, supervision or medication during confinement.

(b) Any person who has claimed, or is known to be afflicted with or displays symptoms of any communicable disease.

(c) Any person suffering from a severe mental disorder.

(d) Any combative or unruly person who is likely to cause damage to the facility or severely disrupt the good order of the Temporary Holding Facility (15 CCR § 1053).

(e) A prisoner who is or may be contemplating suicide.

(f) Any person suspected of being under the influence of a hallucinogen, hyperglycemic agent, psychotropic medication, narcotic, sedative, tranquilizer, anti-neoplastic (cancer) drug, research medication or any person suffering from withdrawals of the above.

(g) Any person suspected or confirmed to be developmentally disabled (15 CCR § 1057).

(h) Any person or persons for whom appropriate classification (by gender, age) cannot be maintained.

(i) Any person who is so intoxicated as to be a danger to him/herself or others and cannot be safely accommodated within the facility or a sobering cell (15 CCR § 1056). This shall also apply to those inmates who are undergoing withdrawal reactions (15 CCR § 1213).

900.1.4 DETAINABLE PRISONERS
Arrestees who fall within the following classifications may be detained in the Richmond Police Department Temporary Holding Facility with the approval of the Watch Commander. This includes those arrested and detained pending:

(a) Posting of bail

(b) Release on Own Recognizance (O.R.)

(c) Release on citation in accordance with the Cite and Release Policy in this manual

(d) Transportation to the County Jail

(e) Release per Penal Code § 849(b)

(f) In-custody interview or other investigation
900.1.5 COURT HOLDING - TEMPORARY HOLDING FACILITY PRISONERS
Those prisoners that are temporarily housed in this facility pending court appearance will be segregated according to the Police department's classification policy.

900.1.6 USE OF SOBERING CELL
Inmates who are to be held in the Temporary Holding Facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing.

The following guidelines apply when placing any inmate in a sobering cell (15, CCR § 1056):

(a) Placement of an inmate into the cell requires approval of the Watch Commander.

(b) A cell log shall be initiated every time an inmate is placed in the cell. The log shall be maintained for the entire time the inmate is housed in the cell.

(c) A safety check consisting of direct visual observation sufficient to assess the inmate's well-being and behavior shall occur at least once every 30 minutes. Each safety check shall be documented in the cell log. Supervisors shall check the logs for completeness every two hours and document this action on the cell log.

(d) Under no circumstances shall an inmate be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the inmate does not have an urgent medical issue (15 CCR § 1056).

(e) Inmates will be removed from the cell when they no longer pose a threat to their own safety and the safety of others and are able to continue processing.

900.1.7 TRANSPORTATION OF PRISONERS
Generally and when circumstances permit, prisoners of the opposite sex, or adult and juvenile prisoners, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating prisoners is not practicable, officers should be alert to inappropriate physical or verbal contact between them and take appropriate action as necessary.

Whenever a prisoner is to be transported from the Temporary Holding Facility to another facility by a member of this department the transporting officer shall be responsible for the following:

(a) Verify that the identity of each prisoner to be transported matches the booking paperwork.

(b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, an itemized list of the prisoner's property, warrant copies, etc.

(c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting
Temporary Holding Facility

officer shall ensure such threat or danger is communicated to intake personnel at the facility.

900.1.8 PRISONER WITH ORTHOPEDIC OR PROSTHETIC APPLIANCE
Subject to safety and security concerns, persons who are detained in the Temporary Holding Facility shall be permitted to retain possession of an orthopedic or prosthetic appliance if it is prescribed or recommended and fitted by a physician. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance shall be removed from the prisoner and booked for safekeeping but shall be promptly returned if it is later determined that such risk no longer exists (Penal Code § 2656 (a) and (b)).

Whenever a prosthetic or orthopedic appliance is removed from a prisoner the Watch Commander shall be promptly apprised of the reason for the removal. If it is determined that the appliance will not be returned, the prisoner shall be examined as soon as practicable by a physician but no later than 24 hours of removal to determine if the removal will be injurious to the health or safety of the prisoner (Penal Code § 2656 (b)).

If the examining physician determines that removal is or will be injurious to the health or safety of the prisoner and the appliance cannot be returned because of safety or security concerns the prisoner should be transferred to an appropriate medical detention facility or, in lieu of transfer, shall be provided with an opportunity to petition the Superior Court for the return of the appliance in accordance with Penal Code § 2656(b) and (c).

900.2 DEPARTMENT ORGANIZATION AND RESPONSIBILITY
The following responsibilities for the Temporary Holding Facility operations have been established (15 CCR § 1029):

(a) **Facility Administrator** - The Chief of Police shall be the Facility Administrator officially charged, by law, with the administration of the Temporary Holding Facility.

(b) **Facility Manager** - Will have the responsibility for planning, managing, administrative functions, establishing channels of communication, and conducting inspections and operations reviews, review of the facility manual and the operations of the Temporary Holding Facility. The Facility Manager will be responsible to the Facility Administrator. The Facility Manager is the AdministrationBureau Commander's collateral responsibility.

(c) **Maintenance Manager** - Will be responsible for the physical maintenance, cleanliness and supply of the Temporary Holding Facility. The maintenance manager will be responsible to the Facility Manager. The Maintenance Manager is the Administration Lieutenantwho is given appropriate collateral responsibility.

(d) **Facility Supervisor** - The employee with 24 hours a day functional responsibility for the Temporary Holding Facility will be the Administration Sergeant. Any other supervisor may provide assistance as needed. The Facility Supervisor shall be
Temporary Holding Facility

responsible to the Maintenance Manager. The Facility Supervisor is given appropriate collateral responsibility.

(e) **Custodial personnel** - Custodial personnel shall be those on-duty custodial officers (jailers) or other designated employees (Reserve Officers, Backfill Jailers, etc.) whose duties include the supervision of prisoners who are detained in the Temporary Holding Facility. Custodial personnel will be responsible to the Facility Supervisor.

900.3 PRISONER SUPERVISION AND CLASSIFICATION

900.3.1 SUPERVISION OF PRISONERS

All prisoners, with the exception of intoxicated prisoners, should be visually checked no less than once every hour. Intoxicated persons should be checked at least once every half-hour. This check will be conducted through direct visual observation without the aid of surveillance cameras.

900.3.2 LOG ENTRIES AND SECURITY CHECKS

(a) All adult bookings should be logged into the Temporary Holding Facility Log. The following entries are to be completed by the booking officer and personnel responsible for maintaining prisoners in the facility:

1. Case number
2. Date/time of booking
3. Charges
4. Arrestee's name
5. Arresting officer's name
6. Date and time of release

(b) The log shall be kept in the booking area of the Temporary Holding Facility. It is the responsibility of the facility supervisor to ensure that all appropriate entries are made.

(c) The Watch Commander should make periodic checks to ensure the log and security checks are made on time.

(d) The Facility Manager should review all Temporary Holding Facility Logs and shall report to the Facility Administrator as required.

(e) All logs and reports should be maintained in the Records Section for inspection by the Facility Manager, Facility Administrator or other officials as may be required.

900.3.3 PRISONER CLASSIFICATION, SCREENING AND SEGREGATION

It is the policy of the Richmond Police Department Temporary Holding Facility to segregate prisoners in compliance with the requirements noted in Title 15 of the California Code of Regulations.
(a) It is necessary to establish a prisoner classification procedure wherein each prisoner will be evaluated, prior to housing, according to categories of sex, age, criminal sophistication, seriousness of crime charged, assaultive/non-assaultive behavior, medical problems, mental state (including developmental disabilities) and sexual orientation, and housed in order to provide for the safety of prisoners and staff (15 CCR § 1050).

(b) As part of the booking procedure, the booking officer should evaluate each incoming prisoner using the Prisoner Classification and Screening Form. This form shall be completed in its entirety in order to properly assign prisoners according to sex, age, criminal sophistication, seriousness of crime charged, physical or mental health needs, assaultive/non-assaultive behavior, restrictions, cell assignments and other criteria to ensure the safety of the prisoner and staff.

(c) During the booking procedure, the booking officer shall ask the prisoner if he/she is contemplating suicide. The officer shall evaluate the prisoner for other signs or indications that the prisoner may be suicidal. If there is any suspicion that the prisoner may be suicidal, he/she shall be transported to the county jail or appropriate mental health facility. The receiving staff shall be notified in writing (e.g., noted on the booking sheet, 5150 form, etc.) that the suspect may be suicidal.

(d) It is the responsibility of the arresting officer’s supervisor to ensure that the Prisoner Classification and Screening Form has been properly completed. After the completion of the form, the arresting officer’s supervisor will be required to authorize, on a case-by-case basis, the placement of each prisoner in the Temporary Holding Facility who is not immediately released or transported to the county jail.

1. The prisoner will then be housed or transported.

2. The completed classification form will be attached to the arrest report, booking forms and fingerprints as applicable.

3. The prisoner classification form should be retained in the prisoner’s arrest file

(e) Before placing any prisoner into a temporary holding cell with any other prisoner, members shall consider whether the prisoner may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141).

(f) If a prisoner will be housed overnight in the same cell with any other prisoner, he/she shall be screened to assess his/her risk of being sexually abused by other prisoners or of being sexually abusive toward other prisoners. Members shall ask the prisoner about his/her own perception of vulnerability and shall consider the following criteria to screen prisoners for risk of sexual victimization, including (28 CFR 115.141):

1. Whether the prisoner has a known or apparent mental, physical or developmental disability.

2. The age of the prisoner.
3. The physical build and appearance of the prisoner.
4. Whether the prisoner has previously been incarcerated.
5. The nature of the prisoner’s alleged offense and criminal history.

(g) Any prisoner identified as being at a high risk for sexual victimization shall be provided with heightened protection. This may include continuous, direct sight and sound supervision, single-cell housing or placement in a cell that is actively monitored on video by a staff member who is available to immediately intervene, unless no such option is reasonably feasible (28 CFR 115.113; 28 CFR 115.141).

900.3.4 TEMPORARY DETENTION OF JUVENILES
Juveniles who are detained by this department will be processed and handled in accordance with the Temporary Custody of Juveniles policy. Juveniles will not be permitted in the Temporary Holding Facility.

900.3.5 TEMPORARY DETENTION OF FEMALES
Whenever one or more female prisoners are in custody, there shall be at least one female employee who shall be available and accessible to the female prisoner(s). Male employees are not to search or enter the cell of a female prisoner, unless another female employee is present. (Title 15, California Code of Regulations § 1027, Penal Code § 4021)

In the event there is not a female employee readily available to conduct searches and hourly safety inspections, the female prisoner shall be transported to the county jail, or released pursuant to another lawful process (e.g., citation, O.R. release, etc.).

900.3.6 HANDCUFFING OF PREGNANT ARRESTEES
Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall persons known to be pregnant or in recovery following delivery be restrained by the use of leg irons, waist chains or handcuffs behind the body.

No arrestee who is in labor, delivery or recovery after delivery shall be otherwise 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 § 6030).

900.3.7 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM
Any Temporary Holding Facility incident that results in physical harm or serious threat of physical harm to an employee, inmate or other person shall be documented per the Use of Force Policy, On-Duty Injuries Policy or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted to the Facility Manager as soon as reasonably practicable. The Facility Manager will retain a record of these reports for inspection purposes (15 CCR § 1044).
Temporary Holding Facility

900.4 TEMPORARY HOLDING FACILITY SEARCHES
Immediately upon securing weapons, officers bringing prisoners into the Temporary Holding Facility shall thoroughly search their prisoners. All arrestees brought into the Temporary Holding Facility must be searched by an officer or other authorized employee of the same gender whenever possible before the officer relinquishes control. When a prisoner has been handcuffed, the prisoner should remain handcuffed until the search is substantially completed.

In the case of female prisoners, all searches will be conducted by a female officer or designated female employee whenever possible, and male employees shall remain outside the closed door, but available to assist immediately if needed. Should a female prisoner become combative, an officer may be assigned to restrain her until the appropriate search is completed.

Arrestee search procedures and policies are found in Policy Manual § 902.

900.5 FIRE SAFETY
The person, designated by the facility supervisor as having responsibility for the Temporary Holding Facility should, at the beginning and end of each shift, inspect the Temporary Holding Facility to ensure:

(a) No flammable materials are stored in the detention area
(b) Fire extinguishers are serviceable
(c) Cell keys are available in the Watch Commander's office and Communications Center for emergency use
(d) First aid kits are readily available and completely stocked
(e) Smoke detectors are operational

The Facility Supervisor or his/her designee shall inspect the facility on a monthly basis. The results of the monthly inspection shall be documented in writing. The inspection record shall be retained for two years (Title 15, California Code of Regulations § 1032).

900.5.1 FIRE PROCEDURES
(a) In the event of a fire in the detention area the discovering employee should immediately:

1. Notify the Fire Department, Watch Commander and on-duty patrol personnel simultaneously through Communications Center
2. Initiate movement of all prisoners to an area of safety through the utilization of the evacuation plan.
3. Begin fire suppression procedures as applicable.

(b) Responding patrol officers under the direction of the Temporary Holding Facility Supervisor should be responsible for:
1. The evacuation of prisoners.
2. Obtaining medical services as needed.
4. Arranging transportation of prisoners to the County Jail or other Temporary Holding Facility as necessary.
5. Initiating an investigation concerning the origin of the fire along with filing necessary reports.

(c) The Facility Manager, in coordination with the Fire Department and qualified first aid/ CPR instructional personnel, shall oversee the training of all department personnel and ensure that they are familiar with:

1. The Temporary Holding Facility policy and procedures; and
2. Fire safety and evacuation plan including the use of the fire extinguisher.

(d) The Fire Marshal should make annual inspections of the Temporary Holding Facility.

900.6 EVACUATION OF TEMPORARY HOLDING FACILITY
If an evacuation of the Temporary Holding Facility becomes necessary, the following should be considered:

900.6.1 PRIMARY CONCERNS
(a) Safety of public
(b) Safety of department personnel
(c) Safety of prisoners
(d) Security of prisoners

900.6.2 NOTIFICATION
(a) Watch Commander
(b) All available sworn personnel
(c) Fire Department
(d) Medical aid
(e) Facility Manager
(f) Facility Administrator
Temporary Holding Facility

900.6.3 EMERGENCY EVACUATION
When time permits, all prisoners will be restrained, as deemed necessary by the officer conducting the evacuation. The evacuation will be conducted in an orderly fashion by one of the routes posted in the Temporary Holding Facility.

900.6.4 EVACUATION FORMATION AREA
All prisoners will form in the designated location where they will be held until the Temporary Holding Facility can again be safely occupied, or as in the case of an emergency of a long duration until they can be transported to another facility.

If possible, juveniles are to be kept separate from adult prisoners, and females from male prisoners.

Only after the safety and security of the prisoners is assured will personnel, not detailed to prisoner security, participate in fire suppression or other emergency activities.

900.6.5 CITYWIDE OR REGIONAL DISASTERS
In cases of Citywide or regional disasters, the Watch Commander may authorize the release of prisoners detained for misdemeanors or felonies involving property crimes only. Every available effort will be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.

900.6.6 FIRST-AID/PROFESSIONAL MEDICAL ATTENTION
As necessary, evacuating personnel will apply first-aid techniques to those prisoners injured as a result of the emergency or injured during the evacuation procedure until professional medical aid arrives to assist.

900.6.7 REPORTS
The Watch Commander will ensure that any emergency evacuation of the Temporary Holding Facility is documented and that copies of those reports be forwarded to the Temporary Holding Facility Manager and Temporary Holding Facility Administrator.

900.7 PRISONER TELEPHONE CALLS
Every prisoner, whether adult or juvenile, detained in the Temporary Holding Facility shall be entitled to at least three completed telephone calls immediately upon being booked and no later than three hours after arrest. Either the arresting officer or the booking officer must ask the arrested person if he/she is 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 (Penal Code § 851.5).

There is no obligation for the officer to make a call on a prisoner's behalf - for example in the case of a person that is so intoxicated that he or she cannot make a call. An officer is not required to wake an intoxicated person three hours after booking so that they may complete a call.
Temporary Holding Facility

There is also no limitation on the amount of time a prisoner's phone call must last. A prisoner should be given sufficient time on the phone to contact whomever he/she desires and to arrange for necessary items because of his/her arrest. The phone calls are not intended to be lengthy conversations and the officer may use his or judgment in determining the duration of the calls.

900.7.1 TELEPHONE CALL PROCEDURES
The Department will pay the cost of local calls. Long distance calls must be paid by the prisoners using calling cards or by calling collect.

Calls between the prisoner and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

The provisions of Penal Code § 851.5 shall be posted in bold block type in a conspicuous place within the Temporary Holding Facility.

900.7.2 ON-GOING TELEPHONE ACCESS
Once a prisoner has completed telephone calls provided by Penal Code § 851.5 and it appears that the individual is not going to be released or transferred to another custodial facility, reasonable efforts should be made to provide the prisoner with access to a telephone, as practical. In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations and logistics should be balanced against the prisoner’s desire for further phone access.

900.8 HANDLING OF PRISONER’S PROPERTY
Officers shall take care in the handling of a prisoner's property to avoid discrepancies or losses.

Any personal property belonging to the prisoner but retained by the officer for safekeeping, shall be kept in a secure location until the prisoner is released or transferred. Smaller items such as a driver’s license, pocketknife, wallet, prescription medications and other similar property, shall be placed in a property bag, and sealed. A list of the property, including detailed descriptions of prescription medications, shall be included on the booking form. Any property too large to be kept in the Temporary Holding Facility shall be booked into property for safekeeping. Prisoner property that is too large or will not otherwise be accepted by a receiving facility in the event of an inmate transfer should be booked for safekeeping.

Property belonging to the prisoner, but retained by the officer as evidence, shall be booked according to procedures. The prisoner shall be advised that such property will be kept as evidence and where demanded, the officer will issue the prisoner a receipt. Such receipt may be a copy of the property booking form, written out in the officer’s handwriting or typed for his/her personal signature. It should include the description of the property (but not its value), the case number, date, time, officer’s badge number and signature. Where a receipt is issued, it should be mentioned in the arrest report.
900.8.1 VERIFICATION OF PRISONER'S MONEY
All money belonging to the prisoner and retained by the officer shall be counted in front of the prisoner. When possible, the prisoner should initial the dollar amount on the booking sheet. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated, but not added to the cash total. Rings and other jewelry of apparent value or small enough to be easily lost should also be sealed in an envelope. All envelopes should clearly indicate the contents on the front. The person sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added to the cash envelope, the officer making such change shall enter the amount below the original entry and initial it. The total amount of money in the envelope should always be computed and written on the outside of the envelope.

900.8.2 RELEASE OF PRISONER'S PROPERTY
Release of any prisoner's property to any person requires the recipient's signature on the appropriate form. Any request for release of property by a prisoner must be made in writing on the booking sheet.

When a prisoner is released from custody, all property will be returned to him/her and he/she will be required to sign the back of the booking sheet.

If a prisoner is released to the court or an officer of another agency, all property will be released to that officer who will be required to verify and sign for the property. The officer transporting prisoners to court is required to obtain the receiving officer's signature on the booking form as notice of receipt of the prisoner's property.

Any alleged shortage or discrepancy shall be brought to the attention of the Watch Commander who will interview the prisoner claiming the shortage prior to his/her release. The Watch Commander shall ensure that a search for the alleged missing item(s) is complete and shall attempt to prove or disprove the claim. A written claim by the prisoner shall be requested where the discrepancy cannot be resolved.

900.9 TEMPORARY HOLDING FACILITY PROCEDURES

900.9.1 SECURITY
(a) Firearms, deadly weapons or any type of explosive device shall not be permitted within the secure area of the Temporary Holding Facility. Weapons should be properly secured in the gun lockers outside of the secure area of the Temporary Holding Facility. An exception may occur only during emergencies upon approval of the Facility Administrator, Facility Manager, or Watch Commander.

(b) All perimeter doors to the Temporary Holding Facility shall be kept locked at all times except during routine cleaning when no prisoners are present, or in the event of an emergency, such as an evacuation.
Temporary Holding Facility

(c) Arrested persons and/or prisoners shall be brought into the Temporary Holding Facility through the sally port entrance/exit located on the north side of the police building. The interior employee entrance to the Temporary Holding Facility should be used for administrative, investigative, or emergency purposes only.

(d) Cell doors are to be locked at all times when prisoners are detained in the facility.

(e) No personnel shall smoke at any time while in the detention area. No prisoner shall be allowed to smoke or possess smoking materials in the detention area.

(f) Personnel transporting prisoners should remain in close physical proximity to the person in custody at all times.

(g) Restraint devices such as handcuffs, disposable cuffs, belly-chains and leg restraints shall be used in accordance with department policy and only with the approval of the Watch Commander.

900.9.2 RECEIPT OF PRISONERS

The arresting and or booking officer should:

(a) Make a thorough search of all prisoners booked into the Temporary Holding Facility. Female prisoners should be searched by female officers or other female staff whenever possible.

(b) Inventory and record all property removed from the prisoner’s person.

(c) Secure property for safekeeping.

(d) Remove all hazardous items from the prisoner’s person.

(e) Remove belts, shoes and jackets.

(f) Complete the following:

1. For non-retainable misdemeanor offenses, complete one Richmond Police Department fingerprint/palm card.

2. For retainable misdemeanor and felony offenses, complete one Richmond Police Department fingerprint/palm card and two FBI fingerprint cards.

3. For warrant arrests complete, one Richmond Police Department fingerprint/palm card and two FBI fingerprint cards.

4. For traffic offense warrants, complete one Richmond Police Department fingerprint/palm card.

5. For juvenile arrests, one Richmond Police Department fingerprint/palm card and two FBI fingerprint cards to be mailed to Cal-ID.

(g) All prisoners arrested, both adult and juveniles, will be photographed. In the event of a malfunction, a 35mm camera is stored in the booking area and two front view photos
will be taken. The prisoner will be given a card to hold below the facial/neck area that contains the prisoner's name and case number.

(h) Complete the prisoner classification and screening form. The arresting officer will seek approval from his or her supervisor regarding the decision to keep the prisoner or transport.

(i) Complete the Richmond Police Department booking form or County Intake Form.

(j) In the case of an arrest involving an intoxicated person, complete a Detoxification Assessment Form.

(k) Before the booking procedure is completed, the arresting or booking officer will log the prisoner into the Temporary Holding Facility Log. This procedure is to be completed regardless of the time the prisoner is to be held in the facility and shall include those prisoners whose admittance is for booking only. In the case of felony arrests that require "last day" filing, the log entry will be highlighted in yellow and submitted with the accompanying arrest report for supervisory approval and normal routing through the Records Section.

900.9.3 PRISONER BEDDING

(a) The booking officer should offer one blanket and one mattress to each person booked into the facility.

(b) Clean bedding should be stored in the Temporary Holding Facility storage room.

(c) Blankets that have been used by a prisoner should be placed in the laundry bin after use by the officer releasing the prisoner.

(d) Used bedding will be cleaned, as needed, upon the direction of the Temporary Holding Facility Manager. It is the manager or his/her designee's responsibility to ensure that adequate supplies of clean blankets are available in the storage room for issue, as needed.

900.9.4 PRISONER FOOD SERVICE

(a) Prisoner food will be made on-site or purchased from local restaurants.

(b) Meals will be provided for prisoners detained in excess of six hours.

900.9.5 ATTORNEYS AND BAIL BONDSMEN

(a) An attorney may visit the prisoner at the prisoner's request or a relative of the prisoner (Penal Code § 825).

(b) Attorneys and bail bondsmen who need to interview a prisoner should do so inside the Temporary Holding Facility in the secure interview room.
Temporary Holding Facility

(c) Both the attorney and the prisoner should be searched for weapons prior and after being admitted to the Temporary Holding Facility interview room.

(d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.

(e) Interviews between attorneys and their clients shall not be monitored or recorded.

900.9.6 RELEASE OF PRISONERS

(a) The Temporary Holding Facility should be inspected for damage prior to the release or transportation of any prisoner.

(b) Any damages should be noted and, if necessary, an additional crime report completed. If additional charges are warranted they will be made. Photographic evidence should be obtained and documented to support additional charges.

(c) Prisoners should be required to clean cells prior to release or transportation. If a prisoner refuses, he/she may not be compelled to clean up nor may his/her release be delayed to accomplish this.

(d) Prisoners shall be released in accordance with state law. The releasing officer will be responsible for the following:

1. All proper reports and forms shall be completed prior to release.
2. All bail moneys are accounted for.
3. Bail bonds are attached to the necessary paperwork and placed in the bond basket in the Records Section.
4. All property, not to include evidence, contraband, or dangerous weapons shall be returned to the prisoner.
5. The appropriate Temporary Holding Facility Log will be completed showing the date, time, and reason for release, as well as the releasing officer’s name.
6. Notifying Communications Center of the prisoner’s release.
7. The prisoner being released will be escorted from the Temporary Holding Facility and police facility by a department employee. At no time will a released prisoner be allowed in any secure area of the station without personal supervision by an employee.

900.9.7 FACILITY SANITATION AND MAINTENANCE

The Watch Commander should inspect the Temporary Holding Facility at the beginning and end of each shift to ensure that the detention area is clean and maintained to an acceptable level of cleanliness. The Temporary Holding Facility shall be cleaned, as necessary, in order to provide a proper custodial and working environment. Any maintenance problems will be reported to the jail supervisor.
900.9.8 DEATH OF A PRISONER
In the event of a fatal injury or death of a prisoner while in custody of this department, refer to Government Code § 12525 and applicable areas of the Penal Code. In all such cases, the Watch Commander shall be notified and he/she will make the appropriate additional notifications as directed in the Temporary Holding Facility Manual.

900.9.9 ACCESS TO FAITH AND MORALS BASED PROGRAMS
Consistent with available resources, safety and security, the religious beliefs and needs of all prisoners should be reasonably accommodated, including reasonable access to clergy members and spiritual advisers, volunteer religious organizations, faith and morals based programs, and other secular volunteer programs. No prisoner shall be required to participate in any such program.

900.9.10 PRISONER DISCIPLINE
Prisoner discipline will not be administered in this facility. Any prisoner who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR § 1081).
Custody Searches

901.1 PURPOSE AND SCOPE
The purpose of this policy is to establish consistent department procedures which conform to Penal Code § 4030 regarding pat-down, booking and strip searches of pre-arraignment detainees.

901.2 DEFINITIONS OF SEARCHES

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 prisoner, or other prisoners.

Booking Search - This search is used in the jail and again involves a thorough patting down of an individual's clothing. 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 or Visual Body Cavity Search - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person (Penal Code § 4030(d)(2)). This includes monitoring of an arrestee showering or changing clothes where the arrestee's underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

Physical Body Cavity Search - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person (Penal Code §§ 4030(d)(1) and 4030(d)(3)).

901.3 PAT DOWN SEARCHES
When any officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may conduct a normal pat-down search of that individual.

Prior to detaining any individual in any police vehicle, an officer should conduct a normal pat-down search of that individual.

Whenever practical, a pat-down search of an individual should be conducted by an officer of the same sex as the person being searched. Absent the availability of a same sex officer, it is recommended that a witness officer be present during any pat-down search of an individual of the opposite sex as the searching officer.

901.4 BOOKING SEARCHES
(a) Absent emergency circumstances in which no reasonable alternative exists, no person arrested for a misdemeanor or infraction not involving weapons, controlled substance or violence may be placed in the general jail population, unless all of the following conditions exist:
CUSTODY SEARCHES

1. The person is not cited and released
2. The person is not released on his or her own recognizance
3. The person is not able to post bail within a reasonable time not less than three hours

(b) Any person taken into custody may be subjected to pat-down searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband prior to being placed in a booking cell.

901.5 STRIP SEARCHES

No person held at a Richmond Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the person has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a pat-down search that may be a weapon or contraband and cannot be safely retrieved without a modified strip search or strip search.

(b) Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (past possession of contraband while in custody, assaults on staff, escape attempts).

(d) The person's actions or demeanor.

(e) Criminal history (level of experience in a custody setting).

No transgender or intersex prisoner shall be searched or examined for the sole purpose of determining the prisoner's genital status. If the prisoner's genital status is unknown, it may be determined during conversations with the prisoner, by reviewing medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Richmond Police Department facilities shall be conducted as follows (Penal Code § 4030; 28 CFR 115.115):

(a) Written authorization from the Watch Commander shall be obtained prior to the strip search.
Custody Searches

(b) All employees involved with the strip search shall be of the same sex as the person being searched, unless the search is conducted by authorized medical personnel (28 CFR 115.115).

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by persons not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second officer of the same sex should be present during the search for security and as a witness to the finding of evidence.

(e) Employees conducting a strip search shall not touch the breasts, buttocks or genitalia of the person being searched.

(f) The primary employee conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Watch Commander.
4. The name of the person who was searched.
5. The name and sex of the persons who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, recovered during the search.
10. The facts upon which the employee based his/her belief that the person searched was concealing a weapon or controlled substance, if the person was not arrested for a felony.

(g) A copy of the written authorization shall be retained and made available upon request to the prisoner or the prisoner ’s authorized representative.

(h) No employee should view a prisoner's private underclothing, buttocks, genitalia or female breasts while the prisoner is showering, performing bodily functions or changing clothes, unless the prisoner otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the prisoner with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the prisoner ’s consent and/or otherwise protect the prisoner ’s privacy and dignity.
901.6 PHYSICAL BODY CAVITY SEARCH

(a) No person arrested on a misdemeanor or infraction shall be subjected to a body cavity search without a search warrant (Penal Code § 4030(h)).

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

(c) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse, or Level II Emergency Medical Technician (EMT) may conduct a physical body cavity search (Penal Code § 4030(k)).

(d) Except for the above mentioned licensed medical personnel, persons present must be of the same sex as the person being searched. Privacy requirements, including restricted touching of body parts, are the same as the strip search standard.

901.7 TRAINING
The Training Sergeant shall ensure members have training in, at a minimum (28 CFR 115.115):

- Conducting searches properly in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.
- Conducting cross-gender searches.
- Conducting searches of transgender and intersex prisoners.
Chapter 10 - Personnel
Recruitment and Selection

1000.1 PURPOSE AND SCOPE
The employment policy of the Richmond shall provide equal opportunities for applicants and its employees regardless of sex, race, color, religion, ancestry, national origin, disability, medical condition, sexual orientation or any other protected classes and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the City of Richmond Personnel and Training Unit.

1000.2 APPLICANT QUALIFICATIONS
Candidates for job openings will be selected based on merit, ability, competence and experience.

All peace officer candidates must meet the minimum standards described in California Government Code § 1031 in addition to the employment standards established by this department.

1000.2.1 VETERAN'S PREFERENCE
Qualifying veterans of the armed forces of the United States shall receive a veteran's preference as applicable. Preference points shall be added after the applicant has received a passing score on an entrance exam and is qualified for placement on the employment list (Government Code § 18978).

1000.3 STANDARDS
Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Richmond Personnel and Training Unit maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the Richmond or State of California hiring standards. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which are used as a professional standard in background investigations.

The following standards have been adopted for public safety applicants:

1000.3.1 OPERATION OF A MOTOR VEHICLE
   (a) The ability to possess a valid California driver's license
   (b) The ability to drive safely
   (c) The ability to control a motor vehicle at high speeds
   (d) The ability to operate a motor vehicle in all types of weather conditions
   (e) The following shall be disqualifying:
1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.

2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.

3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

1000.3.2 INTEGRITY

(a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.

(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel

(c) Showing strong moral character and integrity in dealing with the public

(d) Being honest in dealing with the public

(e) The following shall be disqualifying:

   1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.

   2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

(a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.

(b) The following shall be disqualifying:

   1. Conviction of any criminal offense classified as a misdemeanor under California law within three years prior to application

   2. Conviction for two or more misdemeanor offenses under California law as an adult

   3. Conviction of any offense classified as a misdemeanor under California law while employed as a peace officer (including military police officers)
4. Admission(s) of having committed any act amounting to a felony (including felony-misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers)

5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft

6. Admission(s) of any act of domestic violence as defined by law, committed as an adult

7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts

8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying

1000.3.4 DEPENDABILITY

(a) Having a record of submitting reports on time and not malingering on calls, etc.

(b) A record of being motivated to perform well

(c) A record of dependability and follow through on assignments

(d) A history of taking the extra effort required for complete accuracy in all details of work

(e) A willingness to work the hours needed to complete a job

(f) The following shall be disqualifying:

1. Missing any scheduled appointment during the process without prior permission

2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations

3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult

4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement
Recruitment and Selection

5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability

6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.

7. Having any outstanding warrant of arrest at time of application.

1000.3.5 LEARNING ABILITY

(a) The ability to comprehend and retain information

(b) The ability to recall information pertaining to laws, statutes, codes, etc.

(c) The ability to learn and to apply what is learned

(d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer

(e) The following shall be disqualifying:

1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application

2. Having been academically dismissed from any POST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another POST basic law enforcement academy shall rescind this requirement

1000.3.6 PERSONAL SENSITIVITY

(a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.

(b) Empathy

(c) Discretion, not enforcing the law blindly

(d) Effectiveness in dealing with people without arousing antagonism

(e) The ability to understand the motives of people and how they will react and interact

(f) The following shall be disqualifying:

1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination

2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation

3. Having been disciplined by any employer as an adult for fighting in the workplace
1000.3.7 JUDGMENT UNDER PRESSURE
(a) The ability to apply common sense during pressure situations
(b) The ability to make sound decisions on the spot
(c) The ability to use good judgment in dealing with potentially explosive situations
(d) The ability to make effective, logical decisions under pressure
(e) The following shall be disqualifying:
   1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws
   2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer

1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS
(a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:
   1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment
   2. Any adult use or possession of marijuana within one year prior to application for employment
   3. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment
   4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field
   5. Any adult manufacture or cultivation of a drug or illegal substance
   6. Failure to divulge to the Department any information about personal illegal use or possession of drugs
   7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected
(b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
   1. Any illegal use or possession of a drug as a juvenile
Recruitment and Selection

2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago.)

3. Any illegal or unauthorized use of prescription medications
Evaluation of Employees

1001.1 PURPOSE AND SCOPE
The Department’s employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY
The Richmond Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, religion, ancestry, national origin, disability, medical condition, sexual orientation or any other protected classes.

1001.3 EVALUATION PROCESS
Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.
Evaluation of Employees

1001.3.1  RESERVE OFFICER EVALUATIONS
Reserve officer evaluations are covered under Policy Manual § 350.

1001.4  FULL TIME PROBATIONARY PERSONNEL
Non-sworn personnel are on probation for 12 months before being eligible for certification as regular employees. An evaluation is completed monthly for all full-time professional staff personnel during the probationary period.

Sworn personnel are on probation for 18 months before being eligible for certification as regular employees. Probationary officers are evaluated daily, weekly and monthly during the probationary period.

1001.5  FULL-TIME REGULAR STATUS PERSONNEL
Regular employees are subject to three types of performance evaluations:

- **Regular** - An Employee Performance Evaluation shall be completed once each year by the employee’s immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

- **Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

- **Special** - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1001.5.1  RATINGS
When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

- **Does Not Meet Expectations** - Significant improvement needed in basic skills and knowledge. Substantial improvement required to meet the expected standards of the position.

- **Sometimes Does Not Meet Expectations** - Occasionally needs to improve and correct some identified knowledge and/or skill deficiencies to meet expected standards of the position.

- **Meets Expectations** - Displays proficient skills and knowledge required to meet or sometimes exceed job standards,

- **Meets and Sometimes Exceeds Expectations** - Demonstrates high degree of proficiency and independence. Is recognized as very knowledgeable and skilled.
Evaluation of Employees

**Exceeds Expectations** - Clearly and consistently demonstrates superior proficiency and is recognized as expert in the skills and knowledge required for the job. Independently applies acquired skills and knowledge in performance of job responsibilities.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked Exceeds Expectations or Does Not Meet Expectations shall be substantiated in the rater comments section.

1001.6 **EVALUATION REVIEW**

After the supervisor finishes the performance evaluation, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency and forward to the appropriate District Captain. The evaluation will then be forwarded to the Chief (or Designee) for signature. Once the evaluation has circulated through the chain of command it should then be routed back to the rater for the evaluation interview with the employee.

1001.7 **EVALUATION INTERVIEW**

When the supervisor has completed the performance evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Regular employees may also write comments in the Employee Comments section of the performance evaluation report.

1001.8 **EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.
Assignment and Transfer Process

1002.1 PURPOSE AND SCOPE
The purpose of this policy is to establish required and desirable qualifications for specialty assignments within the Richmond Police Department.

1002.1.1 GENERAL REQUIREMENTS
The following conditions will be used in evaluating employees for transfer:

(a) Presents a professional, neat appearance;
(b) The member maintains a physical condition which is necessary in their performance;
(c) Demonstrates:
   1. Emotional stability and maturity
   2. Sound judgment and decision making
   3. Personal integrity
   4. Honesty
   5. Leadership
   6. Initiative
   7. Ability to confront and/or deal with issues both positive and/or negative
   8. Ability to conform to organizational goals and objectives

1002.2 SWORN NON-SUPERVISORY SELECTION PROCESS
The following positions are considered transfers and are not considered promotions:

(a) Detective
(b) Motor Officer
(c) Accident Investigator
(d) Police Training Officer
(e) Community Involved Patrol Officer
(f) School Resource Officer
(g) Bicycle Patrol Officer

1002.2.1 DESIRABLE QUALIFICATIONS
The following qualifications apply to consideration for transfer:

(a) Three years experience
(b) Off probation
Assignment and Transfer Process

(c) Has shown an expressed interest in the position applied for
(d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
(e) Complete any training required by POST or law
(f) Demonstrated commitment to Community Involved Patrol

1002.3 SELECTION PROCESS

The following criteria apply to transfers.

(a) Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.

(b) The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work. The Division Commander will schedule interviews with each candidate.

(c) Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendation(s) to the Chief of Police.

(d) Appointment by the Chief of Police

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

1002.3.1 LENGTH OF ASSIGNMENTS

Specialty assignments will be limited to a maximum of five (5) years. A continued assignment for the fourth (4) and fifth (5) years, however, will require a specific written endorsement of the respective bureau commander. Absent this endorsement, transfers will occur at the conclusion of three (3) years. A member may transfer from specialty to specialty if the total time spend in both assignments does not exceed the maximum time for any single assignment (5 years). Members transferred from designated specialty positions will usually be assigned to Patrol field duties for a minimum of one (1) year prior to receiving consideration for a transfer to another specialty. The Chief of Police has the discretion to make exceptions to this assignment/transfer policy based on departmental needs and/or the best interests of the member.

1002.4 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are on file with the Richmond Department of Human Resources.
Grievance Procedure

1003.1 PURPOSE AND SCOPE
It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1003.1.1 GRIEVANCE DEFINED
A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- City rules & regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, color, religion, ancestry, national origin, disability, medical condition, sexual orientation or any other protected classes are subject to the complaint options set forth in Policy Manual § 328, and personnel complaints consisting of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in Policy Manual §1020.

1003.2 PROCEDURE
Except as otherwise required under a collective bargaining agreement, if an employee believes that he or she has a grievance as defined above, then that employee shall observe the following procedure:

(a) Attempt to resolve the issue through informal discussion with immediate supervisor.

(b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Division Commander of the affected bureau or bureau.

(c) If a successful resolution is not found with the Division Commander, the employee may request a meeting with the Chief of Police.

(d) If the employee and the Chief of Police are unable to arrive at a mutual solution, then the employee shall proceed as follows:
1. Submit in writing a written statement of the grievance and deliver one copy to the Chief of Police and another copy to the immediate supervisor and include the following information:
   (a) The basis for the grievance (i.e., what are the facts of the case?).
   (b) Allegation of the specific wrongful act and the harm done.
   (c) The specific policies, rules or regulations that were violated.
   (d) What remedy or goal is being sought by this grievance.
   (e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.
   (f) The Chief of Police will receive the grievance in writing. The Chief of Police and the City Manager will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the City Manager is considered final.

1003.3 EMPLOYEE REPRESENTATION
Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1003.4 GRIEVANCE RECORDS
At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Technical Support and Service Division Commander (Administration) for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Manager’s office to monitor the grievance process.

1003.5 GRIEVANCE AUDITS
The Training Sergeant shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Sergeant shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Training Sergeant should promptly notify the Chief of Police.
Nepotism and Conflicting Relationships

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1004.2 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee’s annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee’s action, inaction or decisions are or may be influenced by the employee’s personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee’s parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1004.3 RESTRICTED DUTIES AND ASSIGNMENTS
Nepotism and Conflicting Relationships

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940(a)):

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, PTOs and other trainers will not be assigned to train relatives. PTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1004.4 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.
Nepotism and Conflicting Relationships

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1004.5 SUPERVISOR’S RESPONSIBILITY
Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations in writing through the chain of command.
Reporting of Employee Convictions

1005.1 PURPOSE AND SCOPE
Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

The Administration Supervisor shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR § 9040).

The Administration Supervisor shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR § 9041).

1005.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS
California and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.3 OTHER CRIMINAL CONVICTIONS
Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendre plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee’s ability to fully perform the duties of the job.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1005.4 REPORTING PROCEDURE
All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of
Reporting of Employee Convictions

retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1005.5 PROCEDURE FOR RELIEF
Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.
Alcohol and Drug Use

1006.1 PURPOSE AND SCOPE
The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The Richmond Police Department discourages alcohol and drug abuse and strives to achieve a workforce free from the influence of drugs and alcohol.

1006.2 GENERAL GUIDELINES
The consumption of illegal drugs is strictly prohibited and the consumption of alcohol by on-duty personnel is generally prohibited except as necessary and expressly authorized in the performance of an official special assignment. Personnel who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Personnel who have consumed an amount of an alcoholic beverage or taken any medication that would tend to adversely affect their mental or physical abilities shall not report for duty. Personnel shall notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work. If personnel are unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner.

1006.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY
Department employees shall not purchase or possess alcohol or other controlled substances on City property, at work, or while on-duty except in the performance of a special assignment as described in this policy.

Department employees shall not illegally manufacture any alcohol or drugs while on-duty, on City property or at any other time.

1006.2.2 USE OF PRESCRIBED MEDICATIONS
Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such medication to the immediate supervisor prior to commencing any on-duty status. No employee shall be permitted to work or drive a department-owned or department-leased vehicle while taking such potentially impairing medication without a written release from his/her physician and/or clearance from the department.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1006.3 EMPLOYEE ASSISTANCE PROGRAM
The Employee Assistance Program is available to assist employees who wish to seek help for alcohol and drug problems. There is also available a variety of insurance coverage which provide treatment for drug and alcohol abuse. Employees may contact the Personnel and Training Unit, their insurance provider, or the Employee Assistance Program for additional information.
Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through the Employee Assistance Programs or their insurance provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1006.4 WORK RESTRICTIONS
If any personnel inform a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with the safe and efficient performance of his/her duties, the employee may be required to obtain clearance from his/her physician and/or the Department before he/she continues to work.

If a supervisor reasonably believes, based upon objective facts, that any person's ability to perform his/her duties safely and efficiently may be impaired by the consumption of alcohol or other drugs, the supervisor may ask the person whether he/she has consumed any alcohol or other drugs and, if so the amount and type of alcohol or other drug consumed and the time of consumption, and the name of the person who prescribed the controlled substance.

If the supervisor reasonably believes, based on objective facts, that a person is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the person from continuing work and shall transport him/her or cause him/her to be transported safely away from the Department.

1006.5 REQUESTING SCREENING TESTS
The Department may require an employee to submit to a screening test if the Department:

(a) Reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) Informs the employee of the specific facts supporting its belief and prepares a written record of those facts, and:

1. Informs the employee in writing whether the test will be for alcohol or drugs or both.

2. Informs the employee that the result of the test is not admissible in any criminal proceeding against him/her.

3. Informs the employee that he/she may refuse the test but that refusal may result in dismissal or other disciplinary action.

1006.5.1 ADDITIONAL SCREENING TESTS FOR OFFICERS
The Department may request an employee to submit to a screening test if the employee:

(a) Is a law enforcement officer and, during the performance of his/her duties, discharges a firearm other than by accident.
(b) During the performance of his/her duties, drives a motor vehicle in such a manner as to cause bodily injury to him/herself or another person or substantial damage to property.

1006.5.2 SCREENING TEST REFUSAL
An employee is subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his/her appointing authority, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

1006.6 CONFIDENTIALITY
The Department recognizes the confidentiality and privacy due employees. Disclosure of any information relating to chemical abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process. The written results of any screening test may be provided to the employee but will remain confidential and separate from the employee’s other personnel files.
Sick Leave Reporting

1007.1 PURPOSE AND SCOPE
Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee’s respective personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA), the California Family Rights Act or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 1510).

1007.2 POLICY
(a) Responsibility for her/his physical and mental health shall rest with each employee. Abuse of sick leave burdens healthy personnel with extra responsibilities. Documented abuse of sick leave will be viewed as unacceptable performance.

(b) It shall be the responsibility of Supervisors and Division Commanders to ensure that subordinate personnel use sick and injury leave appropriately, seek health care when necessary, and comply with the provisions of the policy.

(c) It shall be the responsibility of Supervisors and Division Commanders to implement an effective attendance management program for subordinate personnel whose use of sick leave indicates a continual attendance problem. If sick leave abuse is established, the employee will be placed on a sick leave verification program.

(d) When an employee is placed on a sick leave verification program, the employee must have their medical doctor complete the City's "Physician’s Verification of Claim for Sick Leave" (Form 1216). The Kaiser Permanente "Visit Verification" form may be used in lieu of the City’s form by those employees having Kaiser health care coverage. The form must be returned to the department on the employee's first day back to work. When an employee demonstrates sick leave is no longer being abused, the employee may apply to be released from the sick leave verification program. Release from the program shall be accomplished by the employee’s elimination or drastic reduction of sick leave for at least one year. The employee must submit a memorandum through their chain of command to the Chief of Police, requesting to be taken off the program. The memorandum shall outline the improvement and identify each instance of sick leave used during the previous year. Each person within the employee’s chain of command shall review and either approve or reject the request. Until final approval is granted, the employee will continue to supply sick leave verification forms.

(e) While on sick or injury leave, employees have a responsibility not to engage in activity that could jeopardize or delay their ability to return to Departmental duty.
Consequently, any outside employment permit that is in effect at the time that an employee becomes sick or injured shall be suspended. The suspension shall remain in effect until the employee returns to full duty pursuant to clearance by a physician. The Chief of Police may make another determination based upon the treating physician's statement and the individual's work history whether or not to grant or reinstate an outside employment permit.

(f) When an employee takes a Leave of Absence Without Pay (LWOP) in excess of thirty (30) calendar days, medical insurance premium payments are discontinued unless the employee makes special advance arrangements for continued coverage with the City Human Resources Department for coverage under the Family Medical leave Act (FMLA) or the Consolidated Omnibus Budget Reconciliation Act (COBRA).

(g) Any employee may designate a personal physician by whom he/she wishes to be treated in the event of an on-duty injury. The Personal Physician Request form must be completed and submitted to the Executive Secretary to the Chief of Police in advance of any treatment. The form may be obtained from the Office of the Chief of Police.

(h) An on-duty employee who must leave work for any health reason, whether prompt medical attention is or is not required, shall notify his/her Supervisor or Division Commander before leaving work. If prompt medical care is not required, the employee shall receive clearance from their immediate Supervisor or Division Commander before leaving work.

(i) Supervisors and Division Commanders shall insure that notifications and reports regarding ill and injured personnel are transmitted or forwarded to the Office of the Chief of Police before the completion of their duty day. If the Office of the Chief of Police is open, the Supervisor or Commander shall make telephonic notification to the Executive Secretary to the Chief of Police and the Department's Risk Management Coordinator as soon as practical.

(j) When an employee is out on sick leave or injury leave for less than fourteen (14) calendar days, that person's Supervisor or Division Commander may call to check on his/her welfare. If the employee has been out on sick leave or injury leave for fourteen (14) or more calendar days, the Department's Rick Management Coordinator may call to check on his/her welfare. It is of paramount concern to the Department to communicate with its employees to ensure that their needs are being addressed. Conversely, it is imperative that the employee communicate with the Department as above to inform the organization of the progress of his/her recovery.

1007.2.1 NOTIFICATION
Employees are encouraged to notify the supervisor on on-duty watch commander as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable
to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

1007.3 EXTENDED ILLNESS
Employees on extended absences shall, if possible, contact their supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken.

1007.4 SUPERVISOR RESPONSIBILITY
Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

1007.5 DEFINITIONS
Illness - shall be defined generally as health conditions that are not a result of an on-duty injury or exposure but which restricts employees from performing their regularly assigned duties. An off-duty injury is considered an illness for the purposes of this policy.

Injury - shall be defined generally as health conditions that are a result of an on-duty injury or exposure and which restricts employees from performing their regularly assigned duties.

Extended sick or injury leave - shall be defined generally as the status of employees who are absent from duty for fourteen (14) calendar days.

On-duty injuries, Off-duty injuries, Recurrence of Injuries - Employees and supervisors do not make the determination that an injury occurred on duty. This decision requires coordination with other agencies. The Department's Risk Management Coordinator will conduct the necessary coordination and advise employees when their injuries have been determined to be on duty.

Employees who have been off on injury leave have returned to duty might have a suspected recurrence of the original injury. Employees and Supervisors do not make the determination that such is a recurrence of the original injury. This decision requires coordination with other agencies. The Department's Risk Management Coordinator will conduct the necessary coordination and
advise employees when a suspected recurrence has been officially classified as such. In the interim, the affected employee shall be carried sick leave if time off is necessary.

1007.6 REPORTING REQUIREMENTS

(a) Oral Notifications - Employee
   1. An employee who is unable to report for duty because of health reasons shall notify the on-duty Supervisor as soon as they become aware they will not be able to report for their next assigned shift but in no case less than one (1) hour before the start of that shift.
   2. Employees shall be responsible for making (or directing to be made) oral notifications required of them in this order.

(b) Reporting Whereabouts While on Illness or Injury Leave
   1. While on illness or injury leave, an employee shall telephone his/her Supervisor or designee prior to leaving his/her residence to report the destination and probable time of return. Such reporting is required during the employee's regularly scheduled work hours.
      (a) Upon returning to their residences, employees shall report their return to their Supervisor or unit designee by telephone.
      (b) In the event that the unit of assignment cannot be contacted, telephone notification shall be made to the on-duty Desk Sergeant or Watch Commander (510-620-6643).
   2. An employee who is on illness or injury leave shall obtain prior written approval from his/her attending physician for medical clearance to leave his/her residence for more than twenty-four (24) hours. The employee shall deliver or fax such approval to the Department's Risk Management Coordinator and must receive final approval from the Chief of Police, prior to departure.

(c) Written Reports - Employees and Supervisors
   (a) Notification of Possible Communicable Disease Exposure (Contra Costa County Health Services Form EMS - 6): An employee who is exposed on duty to a contagious disease shall complete this report if medical attention is not required and provide it to their Supervisor or Commander, who shall review it for completeness and accuracy before forwarding it to the Executive Secretary to the Chief of Police along with other appropriate documentation. This report shall be routed by the end of the tour of duty of the affected person.
   (b) Complete the Employee's Claim for Workers' Compensation Benefits (State of California Workers’ Compensation Administrator Form DWC Form 1).
   (c) Late-Reporting Requirements: An employee who does not report an on-duty injury in compliance with this policy shall prepare a detailed memorandum through his/her chain of command to the Chief of Police. The memorandum shall...
Sick Leave Reporting

contain detail as to who, what, where, how and why. If an employee is calling off due to the late-report injury, he/she shall be carried on sick leave.

(d) Supervisor Responsibility: Any late report of an on-duty injury shall require the affected employee's Supervisor to conduct a detailed investigation into the circumstances of the late report and the validity of same. The Supervisor shall document the investigation in a Departmental memorandum through the chain of command to the Chief of Police.

(d) Written Reports/Responsibilities

(a) The Executive Secretary to the Chief of Police shall complete one (1) set of the Employer's Report of Occupational Injury or Illness (State of California OSHA Form 5020) within twenty-four (24) hours of receiving the injured person's report (DWC Form 1) if the person suffered:

(a) An on-duty injury that involved medical treatment and/or lost work time.

(b) A recurrence of a previously documented on-duty injury that involved medical treatment or lost work time.

(c) An on-duty exposure to contagious disease that involved medical treatment.

(b) Prior to completing the employer's report and the Supervisor's report of Employee Injury Report, the Supervisor or Commander shall:

(a) Review the Employee Statement completed by the injured employee for accuracy and completeness.

(b) Interview witnesses regarding the circumstances of the injury or exposure to contagious disease and obtain statements in appropriate situations.

(c) All supporting documentation shall be forwarded with the City of Richmond Supervisor's Report of Employee Injury to the Executive Secretary to the Chief of Police.

(d) In all cases where a suspect is identified as being responsible for injuries to an Officer, that Officer's Supervisor shall forward one (1) copy of the offense report to the Department's Risk Management Coordinator, who shall be responsible for liaison with the City's Risk Management Division.

(e) The Executive Secretary to the Chief of Police shall distribute the copies of the employer's report as follows: One (1) copy to the injured employee's injury file and the remaining copies to the City's Risk Management Division.

(e) HIV Exposure

1. An employee while on duty shall immediately notify his/her Supervisor or Commander in the case of suspected HIV exposure or transfer of body fluid.

(a) The Supervisor or Commander shall direct the employee to the authorized City treatment facility or his/her pre-designated physician for treatment and/or testing. The employee shall complete the Employee's Claim
Sick Leave Reporting

for Worker's Compensation Benefits (DWC Form 1). The member or employee shall also complete a Notification of Possible Communicable Disease Exposure (Contra Costa County Health Services Form EMS6) and provide it to their Supervisor, who will forward it to the Executive Secretary to the Chief of Police.

(b) Under Health and Safety Code Section 199.97 an employee may request HIV and/or hepatitis testing of a suspect if it is alleged that the person interfered with his/her official duties by biting, scratching, spitting or transferring blood, saliva, semen or other bodily fluid upon the employee. There are two (2) means by which the employee can obtain testing of the suspect:

1. Voluntary Testing: Once there is a transfer of body fluids, an employee should ask the person if he/she will undergo a voluntary test for HIV and/or hepatitis. The request may be made immediately after the incident or at any time prior to charging. If the person agrees, he/she may be transported to a medical facility for testing. The testing facility should be advised that the results are to be disclosed to the City Attorney's Office. The City Attorney's Office will then advise the subject employee and the suspect of the results.

2. Involuntary Testing: If the person refuses a voluntary test, Health and Safety Code Section 199.97 provides that the employee and his/her employer may petition the court to compel the suspect to provide blood samples for testing. Regardless of whether there is a voluntary or involuntary test request made, the employee should contact his/her physician to determine whether there is any medical treatment available while awaiting the test results. Further, the employee should undergo HIV and physician's hepatitis baseline testing at the City treatment facility.

3. Complete Employee's Claim for Workers' Compensation Benefits Form (DWC Form 1)

(f) Employee's Claim for Workers' Compensation Benefits form (DWC Form 1):
The multi-part Employee's Claim for Workers' Compensation Benefits form shall be completed for all injuries.

1. The Supervisor or Commander shall complete items 1, 9, 10, 11 and 12, remove and retain the goldenrod copy (employer's temporary receipt), and give the form to the employee immediately.

2. The injured employee shall complete items 1 through 8 of the form and return the form to the Supervisor, keeping the green copy (employee's temporary receipt). Completion of this form is required in order to claim workers' compensation benefits.

3. After receiving the form from the employee, the Supervisor shall complete items 13, 14, 16, and 17 and return the pink copy (employee's copy) to the employee as a permanent receipt.
Sick Leave Reporting

4. The Supervisor shall then forward the original white copy and the yellow copy to the Executive Secretary to the Chief of Police along with other required forms. If the employee does not return the completed form, the Supervisor shall forward the Departmental green copy to the Executive Secretary to the Chief of Police within one (1) working day.

5. Upon receipt of the form, the Executive Secretary to the Chief of Police shall forward the original white copy to the City of Richmond Risk Management Division and place a copy in the injury file of the injured employee within one (1) working day.

6. If only the Departmental green copy is received, within one (1) working day the Executive Secretary to the Chief of Police shall place a photocopy in the employee's medical file and forward the green copy to the City of Richmond Risk Management Division.

7. Personnel shall address all questions regarding the form to the State Office of Benefit Assistance and Enforcement (1-800-736-7401). Questions regarding City processing procedures should be directed to the Executive Secretary to the Chief of Police at 510-620-6655.

(g) Employee Responsibilities Regarding Doctor's Appointments and Documentation Thereof:

1. Employees are required to follow the direction of the treating physician regarding their treatment regimen and their duty status. Employees shall keep all medical appointments.

2. Employees are required to provide documentation from their treating physician of their appointment(s) to the Department. Such documentation shall include but not be limited to the date and time of the appointment, treating physician's name and signature, duty status (full duty, light duty, etc.), next appointment date and time.

3. If the treating physician indicates that the employee is not cleared for full duty, the employee's treating physician shall provide the Department with the restrictions and/or limitations for the employee. The treating physician shall also provide the Department with the medication regimen of the employee only if such medication regimen would impede the person's ability to perform their job function (i.e., ability to operate a motor vehicle). It is the affected employee's responsibility to communicate to their treating physician that this information is required.

4. Such documentation shall be provided to the Department immediately following the appointment by the employee either in person or via facsimile to the Executive Secretary to the Chief of Police (Fax 510-620-6880).

1007.7 MEDICAL TREATMENT AND IMMEDIATE NOTIFICATIONS
Medical Attention and Notifications During Working Hours:
Sick Leave Reporting

(a) Situations Requiring Emergency Medical Attention:

1. An employee who incurs a life-threatening illness or injury while on duty shall be taken immediately by ambulance or police vehicle to the closest emergency hospital.

2. The first employee to assist the ill or injured person shall notify the person's Supervisor or Commander as soon as possible. Such notifications may be made in person, by telephone, or via Communications Division.

3. The Supervisor or Commander shall:
   (a) Immediately notify the appropriate Division Commander in person or by telephone if an employee has been killed or has incurred a life-threatening injury or illness. That Division Commander shall immediately notify the Chief of Police.
   (b) Review the circumstances of the injury or illness and notify the Executive Secretary to the Chief of Police and the Department's Risk Management Coordinator, who will notify the City's Risk Manager by telephone if an employee is killed, dismembered, disfigured or might be hospitalized for more than twenty-four (24) hours (for other than observation). The agencies notified will in turn notify the State Department of Industrial Relations, Division of Occupational Health and Safety (Cal-OSHA). Such event must be reported to Cal-OSHA within eight (8) hours of the incident.
   (c) If the Office of the Chief of Police and the City's Risk Manager Division are not open when a reportable incident occurs, the Supervisor or Commander shall telephone the Concord office of Cal-OSHA at 925-602-6517 (24-hour number) and report the incident. The Supervisor or Commander shall ensure that the Office of the Chief of Police and the Department's Risk Management Coordinator are also notified at the first available opportunity. They will in turn notify the City's Risk Manager. Each organization unit shall be responsible for maintaining the current telephone numbers of those offices.
   (d) Such a report to Cal-OSHA shall include the following information:
      1. Time and date of accident;
      2. Employer's name, address and telephone number;
      3. Name and job title or badge number of person reporting the accident;
      4. Address of site of accident or event;
      5. Name of person to contact at site of accident;
      6. Name and address of injured employee(s);
Sick Leave Reporting

7. Nature of injury;
8. Location where injured employee(s) was moved to;
9. List and identity of other law enforcement agencies present at the site of accident;
10. Description of accident and whether the accident scene or instrumentality has been altered.

(b) Situations Requiring Non-Emergency Medical Attention:

1. An employee who will on duty incurs an injury that requires prompt but not emergency medical attention shall immediately notify his/her Supervisor.

2. The Supervisor or Commander shall evaluate the person's condition and facilitate the person being treated by a City-authorized medical hospital, or if the person has filed a pre-designated Personal Physician Request, to be treated by that physician.

(c) On-Duty Injuries Not Requiring Medical Attention:

1. An employee who while on duty incurs an injury that does not require medical attention shall immediately report such injury to their Supervisor or Commander.

2. The Supervisor or Commander shall evaluate the person's condition and confirm that medical attention is not necessary.

(d) Medical Attention and Notifications While Off Duty:

1. Situations Requiring Emergency Medical Attention:

   (a) An employee who incurs a life-threatening illness or injury while off duty may obtain medical attention from the physician or hospital of his/her choice based on their medical plan.

   (b) If the illness or off-duty injury might affect his/her performance or attendance, the employee shall telephone his/her Supervisor or Commander or cause them to be notified at the earliest possible opportunity. In the absence of their Supervisor or Commander, the on-duty Desk Sergeant or Watch Commander (510-620-6643) shall be notified. Supervisors and Commanders or the on-duty Desk Sergeant shall ensure that the affected person's Division Commander is notified as soon as practical.

   (c) The Supervisor or Commander receiving the notification shall prepare a memorandum up his/her chain of command with copies to the affected employee's chain of command and the Chief of Police. A copy shall be routed to the Department's Risk Management coordinator for liaison with affected agencies.
Sick Leave Reporting

(e) Situations Requiring Non-Emergency Medical Attention While Off Duty:

(a) If prompt but non-emergency medical attention is required for a possible recurring on-duty injury, the employee shall notify his/her Supervisor or Commander and report to the physician who is the treating physician of record for that injury.

(b) When the employee notifies his/her Supervisor or Commander regarding a possible recurrence, the employee shall report symptoms only, not conclusions, about the cause (e.g., do not say possible recurring on-duty injury, etc.)

(c) The Supervisor or Commander receiving the notification shall prepare a memorandum up his/her chain of command with copies to the affected employee’s chain of command and the Chief of Police. A copy shall be routed to the Department’s Risk Management Coordinator for liaison with affected agencies.

1007.8 EXTENDED INJURY OR SICK LEAVE

(a) Division Commanders shall notify the Executive Secretary to the Chief of Police and the Department Risk Management Coordinator when the employees under their command are absent from duty for fourteen (14) consecutive calendar days because of illness or injury.

(b) For administrative purposes, the absent employees shall be transferred to the Office of the Chief of Police effective the Sunday following the fourteenth (14th) calendar day.

(c) Ill and injured employees who have been administratively transferred to the Office of the Chief of Police shall comply with all provisions of this order and shall:

1. Except in cases of emergency, attend all medical appointments scheduled for them. Failure to attend such appointments might jeopardize Workers’ Compensation rights and unless justified are considered a rule violation.

2. Except in cases of emergency, cancel and reschedule a medical appointment twenty-four (24) hours in advance if there are substantial reasons for do so, and notify the Department’s Risk Management Coordinator of the rescheduled appointment date by the next business day.

3. Comply with lawful and reasonable instructions telephoned or mailed to them by the Department Risk Management Coordinator.

4. Be available for Departmental contact at their home Monday through Friday from 0830 through 1700 hours.

When an employee has been transferred to the Office of the Chief of Police due to illness or injury, he/she shall be subject to the direct supervision of the Chief of Police. Command and Superior
Sick Leave Reporting

Officers shall direct inquiries regarding the medical condition of transferred personnel to the Risk Management Coordinator.

1007.9 RETURNING TO DUTY

(a) An employee on injury or extended illness status who has been cleared by his/her physician shall notify the Department's Risk Management Coordinator of his/her intention to return to full duty at least one (1) day in advance of such return. The Department's Risk Management Coordinator shall notify the individual's unit pending the required clearances.

(b) Employees who have a partially corrected health condition that might permit return to temporary medically restricted light duty shall be required to contact the Department's Risk Management Coordinator so that he/she can evaluate the availability of a temporary light-duty assignment.

(c) Unit Supervisors or Commanders shall not accept employees back to restricted duties until they have obtained the required clearance from the Department's Risk Management Coordinator and the Chief of Police.

(d) If an employee is absent immediately before and after scheduled days off, the days off will be counted as a continuation of the illness/injury leave (e.g., if days off are Saturday and Sunday and employee is on illness/injury leave status from Friday to Monday).

(e) Departmental Verification of Medical Clearance and Authorization to Return to Work:

1. Special authorization to return to work shall be required if
   (a) Medical restrictions are indicated by the treating physician
   (b) The employee has a partially corrected health condition
   (c) The employee is returning to duty following an on-duty injury that involved lost work time or medical treatment;
   (d) The employee is returning to duty following an off-duty illness that involved lost work time;
   (e) The member or employee is returning to duty following surgery;
   (f) The employee was administratively transferred to the Office of the Chief of Police.

2. If an employee has been absent for less than fourteen (14) calendar days with a routine illness (e.g., cold, flu) and has no medical restrictions, he/she may return directly to his/her unit of assignment. The unit Supervisor or Commander shall verify that the employee's treating physician has authorized the employee to return to full duty without medical restrictions and shall forward the clearance to the Executive Secretary to the Chief of Police and the Department's Risk Management Coordinator.
3. When special authorization to return to duty is required, the employee shall provide the treating physician's medical clearance to the Department's Risk Management Coordinator as soon as it is obtained to coordinate their return to duty.

   (a) If a return to full duty without medical restrictions is permitted, the Department's Risk Management Coordinator shall so inform the employee's Supervisor or Commander and instruct the individual to return to duty.

   (b) If medical restrictions are noted on the treating physician's report, the Department's Risk Management Coordinator shall confer with the Chief of Police, who shall determine if there is a temporary position to which the employee could be assigned and perform at an acceptable level.

1. If there is such a position, the Risk Management Coordinator shall instruct the employee to report for duty after advising the unit Supervisor or Commander that the person is cleared for return to duty with temporary medical restrictions.

2. If an employee is granted permission to return to duty with temporary medical restrictions, his/her Supervisor or Commander shall obtain the required clearance from the Department's Risk Management Coordinator and ensure that assigned work does not violate medical restrictions contained in the individual's Work Status Report.

3. If there is no position to which the employee could be assigned and perform a reasonable range of duties, the Department Risk Management Coordinator shall instruct the individual to remain on leave.

4. Exceptional Circumstances: Under the circumstances described below, Supervisors and Commanders may permit employees who are required to obtain medical and special clearance before returning to work without the Department Risk Management Coordinator's clearance or verification of such clearance and authorization to return to work if their attending physicians have cleared them for return to full duty without medical restrictions under the following circumstances:

   (a) When the employee's tour of duty begins at a time or on a day when the Office of the Chief of Police is closed.

   (b) When there is no opportunity to obtain clearances from the Department Risk Management Coordinator before the tour of duty begins.

   (c) An example of circumstances under which a Supervisor or Commander might permit an employee to return to duty temporarily would be an employee who is cleared by his/her attending physician late Friday to return without medical restrictions to a tour of duty that begins before Monday.
(d) An example of circumstances under which an employee should not be permitted to return to duty would be an employee who is cleared late Thursday to return to duty without medical restrictions on swing shift Friday. The Department's Risk Management coordinator would be on duty between the time the attending physician's clearance is obtained and the tour of duty begins and, therefore, the Supervisor or Commander would have to require all clearances before permitting the employee to begin work.

1007.10 TEMPORARY LIGHT-DUTY ASSIGNMENTS

(a) Employees who have been cleared for and authorized by the Department to participate in a temporary light-duty assignment shall be assigned to work Monday through Friday, 0800-1600 hours, unless other arrangements are made with the Department's Risk Management Coordinator.

(b) The Department does not have permanent light-duty assignments. No light-duty assignment will last longer than six (6) months.

(c) Authorization for temporary light-duty assignments is not automatic and must be authorized by prior approval of the Chief of Police and coordination through the Department's Risk Management Coordinator.

1007.11 PROBATIONARY MEMBERS AND EMPLOYEES

Any employee who is on injury leave and/or sick leave during their probationary period shall have their probationary period automatically extended for the total length of time that they were off injury and/or sick leave. This shall have no effect on the employee's date of hire or seniority.

1007.12 PROCEDURE FOR SUBPOENAS AND RESPONSIBILITIES

(a) Employees on injury leave or sick leave shall respond to duty-related subpoenas unless they are medically or psychologically unfit to appear in court. Such determination cannot be made by the employee or the Department. It must be determined by the treating physician or other qualified medical expert.

(b) Response to such subpoenas is regarded as an on-duty assignment. Overtime is not authorized to any employee while on sick leave or injury leave.

(c) The Department's Subpoena Clerk will process duty-related subpoenas regarding employees who are off on extended injury leave or sick leave as follows:

1. The Subpoena Clerk shall mail the subpoena to the affected member or employee's home with the direction that the subpoenaed person is to contact
Sick Leave Reporting

the agency issuing the subpoena to coordinate their appearance at least twenty-four (24) hours prior to the scheduled appearance.

2. The Subpoena Clerk shall prepare a declaration regarding the member/employee's status, which will be sent to the agency issuing the subpoena. The declaration shall note that the subpoena was mailed to the person subpoenaed, with the direction that they contact the issuing entity to coordinate their appearance at least twenty-four (24) hours before their scheduled appearance.

3. When guidance is needed by the Subpoena Clerk with regard to the issues in this order, the Subpoena Clerk shall contact their immediate Supervisor for advice. When that Supervisor is not available, the Subpoena Clerk shall contact the Department's Risk Management Coordinator for advice.

1007.13 LEAVE STATUS OF MEMBERS OR EMPLOYEES

(a) Employees who are injured in the line of duty and follow the directives of this order shall be carried injury leave.

(b) If there is a doubt about how the injury occurred, the employee shall be carried sick leave until the injury is accepted by the City's Risk Management Division. Once the injury is accepted as an on-duty injury, any time lost due to the injury will be corrected to injury leave. The employee is required to prepare a detailed memorandum as to the details of the event.

(c) Any late report of an on-duty injury where an employee is calling off due to that injury shall have their time carried as sick leave.
Communicable Diseases

1008.1 PURPOSE AND SCOPE
This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

(a) To manage the risks associated with blood borne pathogens (BBP), aerosol transmissible diseases, and other potentially infectious substances.

(b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE).

(c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.

(d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

1008.2 PROCEDURES FOR EXPOSURE TO BLOOD, BODILY FLUIDS OR AEROSOL TRANSMISSIBLE DISEASES
All department personnel who are exposed to another person's blood, bodily fluids or an aerosol transmissible disease (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

Exposure to blood or other potentially infectious materials includes, but is not limited to, the contact of such substances with the eye, mouth, other mucous membranes, non-intact skin, needle sticks, human bites, cuts or abrasions or any exposure that otherwise qualifies under Health and Safety Code § 121060.1 or 8 CCR § 5193.

Exposure to an aerosol transmissible disease is any event in which all of the following have occurred (8 CCR 5199):

(a) An employee has been exposed to an individual who is a case or a suspected case of a reportable aerosol transmissible disease, or to a work area or to equipment that is reasonably expected to contain aerosol transmissible pathogens associated with a reportable aerosol transmissible disease.

(b) The exposure occurred without the benefit of applicable exposure controls required by this policy.

(c) It reasonably appears from the circumstances of the exposure that transmission of disease is sufficiently likely to require medical evaluation.
1008.2.1 EXPOSURE CONTROL OFFICER
The Chief of Police will assign a person as the Department's Exposure Control Officer. The ECO shall be responsible for the following:

(a) The overall management of the bloodborne pathogen Exposure Control Plan (ECP).
(b) Establishing written procedures and a training program related to aerosol transmissible diseases, as required by 8 CCR § 5199.
(c) Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan.
(d) Remaining current on all legal requirements concerning bloodborne pathogens and other communicable diseases, as required by 8 CCR § 5193.
(e) Acting as a liaison during OSHA inspections, conducting program audits to maintain an up-to-date ECP and ensuring exposure report forms are available and adequate for employees to properly report incidents of exposure.
(f) Maintaining an up-to-date list of police personnel requiring training. Developing and implementing a training program, maintaining class rosters and quizzes, and periodically reviewing and updating the training program.
(g) Reviewing and updating the ECP annually (on or before January 1 of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and any affected employees to ensure that the proper exposure control procedures are followed.

1008.2.2 UNIVERSAL PRECAUTIONS
All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

1008.2.3 PERSONAL PROTECTIVE EQUIPMENT
Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair disposable latex gloves. (Keeping a box in the car recommended.)
- Safety glasses or goggles
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at emergency site. (Keeping several alcohol hand wipes in the car recommended)
Communicable Diseases

The protective equipment is to be kept in each police vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

1008.2.4 IMMUNIZATIONS
All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment immunization.

1008.2.5 WORK PRACTICES
All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

1008.3 DISPOSAL AND DECONTAMINATION
The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

1008.3.1 USE OF WASTE CONTAINERS
Officers shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leakproof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

1008.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES
Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body.
with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area.

1008.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE
All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

1008.3.4 DISPOSABLE PROTECTIVE EQUIPMENT
Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

1008.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT
After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.3.4.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, Policy Manual § 1016.3.2 shall be implemented.
Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

1008.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT
Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA).

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

1008.3.7 DECONTAMINATION OF CLOTHING
Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the Exposure Control Officer. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the Department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1008.3.8 DECONTAMINATION OF VEHICLES
Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.
1008.3.9  DECONTAMINATION OF STATION AND CLEANING AREA
The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes, consuming food and drink are prohibited in this designated area at all times.

1008.4  POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS
In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employee(s).

1008.4.1  EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE
To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee’s immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

1008.4.2  SUPERVISOR REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

(a) Name and social security number of the employee(s) exposed.
(b) Date and time of incident.
(c) Location of incident.
(d) What potentially infectious materials were involved.
(e) Source of material or person.
(f) Current location of material or person.
(g) Work being done during exposure.
(h) How the incident occurred or was caused.
(i) PPE in use at the time of the incident.
(j) Actions taken post-event (e.g., clean-up, notifications).

The supervisor shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source, and Policy § 1016.5, which addresses source testing.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee’s supervisor to ensure testing is sought (Policy § 1016.5).
1008.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who was exposed or who suspects he/she was exposed to HIV or to hepatitis B or C should be seen by a physician or qualified health care provider as soon as possible. The doctor or qualified health care provider should be provided with the supervisor's report and the employee's medical records relevant to the visit and examination. The blood of the exposed employee shall be tested.

The health care professional will provide the ECO and/or the City's Risk Manager with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether further treatment or evaluation will be required.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1008.4.4 COUNSELING

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

1008.4.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in this process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The ECO shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures.

The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1008.5 SOURCE TESTING

Testing for communicable diseases of a person who was the source of an exposure should be sought when it is desired by the exposed employee or when it is otherwise appropriate. There are five methods to obtain such testing. It is the responsibility of the ECO to ensure that the proper testing and reporting occur. These methods are:
Communicable Diseases

(a) Obtaining voluntary consent from any person who may be the source of an exposure to cover testing for any communicable disease.

(b) Filing a report with the county health officer when an employee is exposed to the bodily fluids of an arrestee. The county health officer may pursue testing for HIV or hepatitis B or C (Penal Code § 7510 et seq.).

(c) Seeking consent for testing or applying for a court order for HIV, hepatitis B and hepatitis C testing (Health and Safety Code § 121060 et seq.).

(d) Seeking a court order when the person who may be the source of an exposure will not consent to testing and the exposure does not fall under the statutory schemes for testing. This covers testing for any communicable disease as deemed appropriate by a health care professional and documented in the request for the court order.

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing an adult or juvenile when an employee of the Richmond Police Department qualifies as a crime victim (Penal Code § 1524.1).

1008.5.1 EXPOSURE FROM A NON-ARRESTEE

Upon notification of an employee's exposure to a person who was not arrested, the ECO should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

(a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.

(b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The ECO should document the consent as a supplement to the Exposure Control Report.

(c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the ECO should promptly consult with City Attorney and consider requesting that a court order be sought for appropriate testing.

1008.5.2 EXPOSURE FROM AN ARRESTEE

Upon notification of an exposure to an employee by a person who was arrested, the ECO should take the following steps:

(a) Comply with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
Communicable Diseases

(b) Take reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(c) In all cases, comply with the reporting and testing scheme of Penal Code § 7510 et seq. This includes completing a State Department of Health Services Form CDPH 8479 and submitting it to the County Health Officer with a copy of the Exposure Control Report by the end of the employee’s shift. If submission by the end of the shift is not practicable, it must occur as soon as possible but no later than two days after the incident. The exposed employee's name should not appear on this form.

(d) Remain in contact with the County Health Officer to determine whether testing of the arrestee will occur and whether the testing satisfies the medical needs of the employee.

(e) The results of the tests should be made available to the donor and the exposed employee.

Since there is potential for overlap between the two statutory schemes, the ECO is responsible for coordinating the testing with the County Health Officer to prevent unnecessary or duplicate testing.

In the rare event that the exposed employee is not covered by either statutory scheme, the ECO should seek consent or a court order in the same manner as for a non-arrestee.
Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE
This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Richmond Police Department facilities or vehicles.

1009.2 POLICY
The Richmond Police Department recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the Richmond Police Department to prohibit the use of tobacco by employees while on-duty or at any time the employee is acting in an official capacity for the Department.

1009.3 EMPLOYEE USE
Tobacco use by employees is prohibited anytime employees are in public view representing the Department.

Smoking and the use of other tobacco products is not permitted inside any City facility, office or vehicle (California Labor Code § 6404.5).

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1009.4 ADDITIONAL PROHIBITIONS
No person shall use tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).
Personnel Complaints

1010.1 PURPOSE AND SCOPE
The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department.

1010.1.1 PERSONNEL COMPLAINTS DEFINED
Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

This policy shall not apply to any interrogation, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code 3303(i)).

Personnel Complaints shall be classified in one of the following categories:

Informal - (This classification has also been referenced as an "Inquiry" and/or "Citizen Contact") A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee or referred to the Office of Professional Accountability depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Office of Professional Accountability, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1010.1.2 DEFINITIONS
Internal investigation - A matter that has been generated within the Police Department, that alleges a rule violation on the part of an employee, whether on duty or off duty.

Personnel complaint - A complaint stemming from the specific and individual acts of an employee on or off duty that if true would adversely affect the Department's relations with the public. Complaints of this nature require inquiry into the individual actions of the Officer, and not any
Personnel Complaints

perceived deficiencies attributable to such problems as staffing, deployment, procedures or policies. Physical or verbal abuse, dishonesty, and neglect of duty are examples of improper individual actions and are thus handled as personnel complaints.

Service complaint - A complaint regarding operational or procedural failure that has resulted in inadequate service to the community. Complaints of this nature are considered as a complaint against the Department and not the Officers involved. The most common area of service complaints from citizens would concern Communication Center operations and long delays before Officers arrive at crime scenes.

1010.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.2.1 AVAILABILITY OF COMPLAINT FORMS
Service/Personnel Complaint forms will be maintained in a clearly visible location in the public lobby at the Hall of Justice. The forms are also maintained inside of the Records Section office. The forms may also be available at other government facilities.

1010.2.2 SOURCE OF COMPLAINTS

(a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.

(b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

(c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

1010.2.3 ACCEPTANCE OF COMPLAINTS
A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action

(b) When an uninvolved supervisor or the Watch Commander determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken

(c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint form

(d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present
Personnel Complaints

and after the parents or guardians have been informed of the circumstances prompting the complaint

1010.2.4 COMPLAINT DOCUMENTATION
Formal complaints of alleged misconduct shall be documented by a supervisor on a Service/Personnel Complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor may elect to document informal complaints as a supervisor or Watch Commander log entry.

When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7.

1010.3 SUPERVISOR RESPONSIBILITY
A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation. Moreover, supervisors shall also maintain the ability to engage in the interrogation of an employee in the normal course of duty, counseling, instruction, or informal verbal admonishment, or other routine or unplanned contact (Cal. Govt. Code 3303(i)).

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee’s immediate supervisor. The Chief of Police or authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

(a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Watch Commander, Commanding Officer and Chief of Police are notified as soon as practicable.

(b) A supervisor receiving or initiating any formal complaint shall ensure that a Personnel Complaint form has been completed as fully as possible. The original complaint form will then be directed to the Commanding Officer of the accused employee, via the chain of command, who will take appropriate action or forward the complaint to the Office of Professional Accountability for further action.

1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.

2. Once immediate medical attention has been provided, photographs of alleged injuries as well as accessible areas of non-injury should be taken.
3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Division Commander or the Chief of Police who will initiate appropriate action.

(c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to Government Code § 3303, et seq.

(d) When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Personnel and Training Unit and the Chief of Police for direction regarding their role in investigation and/or addressing the complaint.

1010.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE
When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, a supervisor may assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

1010.4.1 ADMINISTRATIVE LEAVE
An employee placed on administrative leave may be subject to the following guidelines:

(a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline

(b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment

(c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor

(d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered

(e) It shall be the responsibility of the assigning supervisor to promptly notify the employee's Division Commander and the Chief of Police

(f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned
1010.5 ALLEGATIONS OF CRIMINAL CONDUCT
Where an employee of this department is accused of potential criminal conduct, a separate supervisor or assigned detective shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction, however, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report (Labor Code § 432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

1010.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT
Whether conducted by a supervisor or an assigned member of the Office of Professional Accountability, the following procedures shall be followed with regard to the accused employee(s):

(a) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated (Government Code § 3303(a)).
(b) No more than two interviewers may ask questions of an accused employee (Government Code § 3303(b)).
(c) Prior to any interview, an employee shall be informed of the nature of the investigation (Government Code § 3303(c)).
(d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated (Government Code § 3303(d)).
(e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code § 3303(e)).
(f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall
Personnel Complaints

be provided to the employee prior to any subsequent interview (Government Code § 3303(g)).

(g) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights pursuant to Lybarger. This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation. (Government Code § 3303(h)).

(h) All employees subjected to interviews that could result in disciplinary action shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee’s statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).

(i) All employees shall provide complete and truthful responses to questions posed during interviews.

(j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

1010.6.1 ADMINISTRATIVE SEARCHES
An employee of this department may be administratively ordered to submit to a blood, breath, or urine test for alcohol and drugs under any of the following circumstances:

• When the employee, whether on or off-duty, is involved in a shooting or police related death.

• When the employee is involved in an injury or fatal accident while on duty.

• When the employee is involved in an injury or fatal accident while operating any City owned vehicle whether on or off-duty.

• When the employee is found to be exhibiting objective symptoms of intoxication or drug influence while on duty.

The use of compelled testing results shall be restricted to the administrative investigation.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties, or, if the employee is assigned to or being considered for a special assignment with a potential for bribes (Government Code § 3308).

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place (Government Code § 3309).
Personnel Complaints

All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

1010.6.2 ADMINISTRATIVE INVESTIGATION FORMAT
Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

Introduction - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

Synopsis - Provide a very brief summary of the facts giving rise to the investigation.

Summary Of Allegations - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence As To Each Allegation - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

1010.7 DISPOSITION OF PERSONNEL COMPLAINTS
Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5(c)).

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.
1010.8 COMPLETION OF INVESTIGATIONS
Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation. In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged within one year of discovery.

Upon completion, the report should be forwarded through the chain of command to the commanding officer of the involved employee(s).

Once received, the Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.

Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint (Penal Code § 832.7).

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police to discuss the matter further.

1010.9 CONFIDENTIALITY OF PERSONNEL FILES
All investigations of personnel complaints, whether originating from a citizen or internally, shall be considered confidential peace officer personnel files. The contents of such files shall not be released except when complying with Penal Code § 832.7.

When a request for peace officer personnel records is made pursuant to Penal Code § 832.7, the Department shall attempt to notify the affected subject officer(s) in writing within 24 hours, or as soon as reasonably possible, that a request was received.

Barring exigent circumstances, before releasing any peace officer personnel records pursuant to Penal Code § 832.7, the Chief of Police or his/her designee shall attempt to notify the affected subject officer(s) 72 hours prior to the release of records.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee’s personnel file to refute such false presentations (Penal Code § 832.5).

All sustained citizen’s complaint shall be maintained for a period of at least five years (Penal Code § 832.5). All internally initiated complaints shall be maintained at least two years (Government Code § 34090 et seq.).
Personnel Complaints

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Office of Professional Accountability apart from the employee's personnel files.
Seat Belts

1011.1 PURPOSE AND SCOPE
The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in department vehicles (Vehicle Code § 27315.5).

1011.2 WEARING OF SAFETY RESTRAINTS
All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1011.2.1 TRANSPORTING CHILDREN
Children under the age of 8 should be transported in compliance with California's restraint system requirements (Vehicle Code § 27360).

A child may be transported by sworn personnel without the use of a child passenger restraint system in an authorized emergency vehicle if a child passenger restraint system is unavailable and the child is secured by a seat belt (Vehicle Code § 27363(b) and Vehicle Code § 165).

Members should deactivate, if available, the passenger side airbag when appropriate, such as when transporting a rear-facing infant or child in the front seat.

1011.3 TRANSPORTING PRISONERS
Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by seat belts. The prisoner should be in seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

1011.4 INOPERABLE SEAT BELTS
No person shall operate a department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff who shall do so only with the express authorization of the Chief of Police.
Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.
Body Armor

1012.1 PURPOSE AND SCOPE
The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1012.2 POLICY
It is the policy of the Richmond Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1012.3 ISSUANCE OF BODY ARMOR
The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Richmond Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1012.3.1 USE OF SOFT BODY ARMOR
Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1012.3.2 INSPECTIONS OF BODY ARMOR
Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.
1012.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR
Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1012.4 ARMORER RESPONSIBILITIES
The Armorer should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.
Peace Officer Personnel Files

1013.1 PURPOSE AND SCOPE
This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

1013.2 PERSONNEL FILES DEFINED
Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual officer's name relating to:

(a) Personal data, including marital status, family members, educational and employment history, or similar information.

(b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee’s past, current or anticipated future medical conditions.

(c) Election of employee benefits.

(d) Employee advancement, appraisal, or discipline.

(e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.

(f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1013.3 EMPLOYEE RECORD LOCATIONS
Employee records will generally be maintained in any of the following:

Department File - That file which is maintained in the office of the Chief of Police as a permanent record of a sworn officer’s employment with this department.

Division File - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned bureau for the purpose of completing timely performance evaluations.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Training File - Any file which documents the training records of an employee.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - That file which is maintained separately that exclusively contains material relating to an employee's medical history.
1013.4 CONFIDENTIALITY OF ALL PERSONNEL FILES
Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1013.5 REQUESTS FOR DISCLOSURE
Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Watch Commander, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee’s personnel file(s), shall be logged in the corresponding file.

1013.5.1 RELEASE OF CONFIDENTIAL INFORMATION
Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved officer or written authorization of the Chief of Police or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).
1013.6 EMPLOYEE ACCESS TO OWN FILE
Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the employee’s request and the department's written response shall be retained with the contested item in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

(a) Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.

(b) Confidential portions of Internal Affairs files which have not been sustained against the employee

1013.7 TYPES OF PERSONNEL FILES
Peace officer personnel files can be located in any of the following places:

1013.7.1 DEPARTMENT FILE
The Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.

(b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education shall be maintained.

1. It shall be the responsibility of the involved employee to provide the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

2. The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's department file.

(c) Disciplinary action:

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's department file at least two years (Government Code § 34090).

2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's department file at least five years (Penal Code § 832.5).
3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee’s department file, but will be separately maintained for the appropriate retention period in the internal affairs file.

(d) Adverse comments such as supervisor log entries may be retained in the department file or division file after the employee has had the opportunity to read and initial the comment and for a period up to two years (Government Code § 3305).

   1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306).

   2. Any such employee response shall be attached to and retained with the original adverse comment.

   3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.

(e) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee.

(f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status shall be permanently retained.

(g) A photograph of the employee shall be permanently retained.

1013.7.2 DIVISION FILE
The Division File should contain, but is not limited to, the following:

(a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations

   1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code §§ 3305 and 3306.

   2. Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.

   3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.

(b) All rules of confidentiality and disclosure shall apply equally to the division file.
1013.7.3 INTERNAL AFFAIRS FILE
Internal affairs files shall be maintained under the exclusive control of the Office of Professional Accountability in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the supervisor of the Office of Professional Accountability. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition

1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002).

2. Each investigation file arising out of a formal citizen's complaint or a complaint involving a discriminatory harassment or hostile work environment shall be maintained no less than five years (Penal Code § 832.5(b)). Investigation files arising out of other internally generated complaints shall be maintained no less than two years (Government Code § 34090).

(b) Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period but may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5(c)).

1013.7.4 TRAINING FILES
An individual training file shall be maintained by the Personnel and Training Unit for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

(a) It shall be the responsibility of the involved employee to provide the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1013.7.5 MEDICAL FILE
A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

(a) Materials relating to medical leaves of absence.

(b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.

(c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.
(e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

1013.8 PURGING OF FILES
Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date (Government Code § 34090; Government Code § 26202).

(a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.

(c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.
Request for Change of Assignment

1014.1 PURPOSE AND SCOPE
It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1014.2 REQUEST FOR CHANGE OF ASSIGNMENT
Personnel wishing a change of assignment are to complete a Personnel Action Request form. The form should then be forwarded through the chain of command to their Division Commander.

1014.2.1 PURPOSE OF FORM
The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.

The Personnel Action Request form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1st of each year, employees still interested in new positions will need to complete and submit a new Personnel Action Request form.

1014.3 SUPERVISOR’S COMMENTARY
The officer's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Division Commander of the employee involved. In the case of patrol officers, the Watch Commander must comment on the request with his/her recommendation before forwarding the request to the Division Commander. The form is then submitted through the chain of command to the Office of the Chief of Police.
Employee Commendations

1015.1 PURPOSE AND SCOPE
Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

1015.2 LETTERS OF COMMENDATION
Letters of Commendation shall be written when a specific task or assignment is exceptionally well done. The act should exceed the normal performance expectations from a conscientious employee. The Supervisor may recommend commendations for a single event or nominate for commendation consideration those individuals who consistently perform with exceptional competence.

When a Supervisor desires to initiate a Letter of Commendation and the criteria are fulfilled, a recommendation for commendation with a proposed draft of the actual letter shall be forwarded through the chain of command to the Chief of Police.

If the request is initiated by an Officer other than the recipient's immediate Supervisor, the initiating Officer shall confer with the immediate Supervisor prior to forwarding the recommendation.

The Chief of Police makes the final decision if a commendation meets the criteria. If it is approved, a copy of the letter shall be filed in the Officer's personnel folder, the original routed directly to the Officer, and a copy returned through the chain of command for the Supervisor's information.

1015.2.1 SUMMARY COMMENDATIONS
Complimentary remarks amounting to less than a Letter of Commendation from the Chief of Police shall be noted by use of Department letterhead titled "Summary Commendation," signed by the initiating Supervisor, and forwarded through the chain of command. The original shall go to the affected employee and a copy filed in the employee's personnel file.

1015.2.2 CHIEF'S LETTER OF COMMENDATION
Complimentary remarks that warrant a Letter of Commendation from the Chief of Police shall be noted by use of "Office of the Chief of Police" letterhead titled "Commendation" with an embossed image of the badge of the Chief of Police. All Chief's letters of commendation shall be signed by the Chief of Police.

An employee may initiate a Chief's Letter of Commendation by submitting a written recommendation through the chain of command to the Office of the Chief of Police for consideration.

Commendations shall be accompanied by a certificate issued by the Chief of Police. Suggested language or wording of the certificate shall be attached to the initiating document.
1015.2.3 LETTER OF APPRECIATION
A Letter of Appreciation is a formal thank you and reflects an expression of approval and gratitude issued by a citizen or person outside the Department. Normally, these letters are written in instances where an employee makes a significant contribution of time and/or effort in an activity that furthers the Department's mission or vision or enhances the police image.

Letters of Appreciation are issued by the individual, received by the Chief's Office, and then forwarded through the chain of command to the employee for review and signature. If the criteria for a formal Letter of Commendation or appreciation are met, the procedure for those letters will be followed.

Should a citizen telephone the Department, commending the actions of an Officer, the receiving Supervisor or Watch Commander may record the complimentary information, using Department letterhead, and forward it through channels to the Chief's Office.

1015.3 COMMENDABLE ACTIONS
A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee
- Conspicuous bravery or outstanding performance by any employee of the Department
- Any action or performance that is above and beyond the typical duties of an employee

1015.3.1 AWARDS COMMITTEE
A committee of nine (9) persons shall be appointed for a one (1) year term by the Chief of Police to review nominations, make recommendations to the Chief, suggest changes of any type to this program, and complete any special projects or tasks it may be assigned.

1015.4 MEDAL NOMINATION PROCEDURE
An employee of supervisory or command rank should report in writing to his/her immediate Supervisor

(a) Acts worthy of commendation that he/she might observe involving persons under his/her supervision

(b) Acts worthy of commendation reported to him/her that involve employees of the Richmond Police Department.

The nomination will be made by using the memorandum form. The recommendation shall be addressed to the Chief of Police through the chain of command. The recommendation shall include the facts of the event, an evaluation of the employee's actions, and a recommendation for a particular award. The nomination will be accompanied by a draft of a Letter of Commendation or Chief's Letter of Commendation to the recognized employee.
Employee Commendations

1015.4.1 MEDAL AWARDS CRITERIA AND DESCRIPTION
Medal awards are designed for all employees of the Richmond Police Department. Extraordinary circumstances will allow awarding of these medals to other law enforcement personnel or to a citizen if the situation meets the criteria.

Nomination for an award shall be forwarded to the Awards Committee, which is annually appointed by the Chief of Police. The Awards Committee shall review the nomination and make an appropriate recommendation to the Chief of Police. The Chief of Police Shall make the final decision.

1015.4.2 BLUE STAR MEDAL
Criteria: The Blue Star Medal shall be awarded to the next of kin if the employee’s official acts result in his/her death.
Description: The Blue Star medal will be a sterling 717ESX enamel hand-engraved badge, dapped with loop and a blue drape.

1015.4.3 MEDAL OF VALOR
Criteria: The Medal of Valor shall be awarded to employees of the Richmond Police Department who while serving in an official capacity conscientiously distinguish themselves by heroic action above and beyond the call of duty and display great courage in the face of immediate life-threatening peril. Each nomination for the Medal of Valor award shall be based on the following:

(a) A strong possibility existed at the time the member acted that he/she could have suffered serious injury or death.
(b) The act was not foolhardy.
(c) The employee did not use poor judgment or procedures that created the necessity for his/her act.

Description: The Medal of Valor will be a gold clad VM765 medal with black lettering and a City of Richmond seal, dapped with loop and a blue, gold and white drape. The uniform ribbon shall be enamel colored with a blue, gold and white bar. Additional medals will be represented by the addition of a star to the gold section of the ribbon, with a maximum of two (2) stars.

1015.4.4 MEDAL FOR COURAGE AND BRAVERY
Criteria: The Medal for Courage and Bravery shall be awarded to employees of the Richmond Police Department for courageous action when the circumstances fall short of the requirements for the Medal of Valor.

Description: The Medal for Courage and Bravery will be a sterling badge with a City of Richmond seal, black lettering, dapped with loop and blue and silver drape. The uniform ribbon shall be enamel that is colored blue, silver and white. Additional medals will be represented by the addition of a star to the silver section of the ribbon, with a maximum of two (2) stars.
Employee Commendations

1015.4.5 LIFE SAVING MEDAL
Criteria: The Life Saving Medal shall be awarded to recognize the actions of Richmond Police Department employees that result in the preservation of human life. The criteria shall further include circumstances that indicate human life would have been lost without the employee's direct involvement and actions. An employee can receive only one (1) Life Saving Medal per incident regardless of the number of victims saved.

Description: The Life Saving Medal will be a silver disc with gold ribbon, stars and the medical cross, dapped with a green and white drape. The uniform ribbon shall be enamel that is colored green, gold and white. Additional medals will be represented by the addition of a gold star, with a maximum of two (2) stars.

1015.4.6 DISTINGUISHED SERVICE MEDAL
Criteria: The Distinguished Service Medal is designated as the Department's highest award for service (i.e., non-heroic, courageous, etc.) and shall be awarded to employees of the Richmond Police Department who distinguish themselves by completing exceptional service and attaining a key result on a project of critical importance to the Department's mission and vision in a duty of great responsibility or of critical importance to the values of the Department.

Description: The Distinguished Service Medal will be a gold-clad disc with the city of Richmond seal and stars, dapped with red, white and black drape. The uniform ribbon shall be enamel that is colored red, gold and black. Additional medals will be represented by the addition of a gold star, with a maximum of two (2) stars.

1015.4.7 MERITORIOUS SERVICE MEDAL
Criteria: The Meritorious Service Medal shall be awarded to employees of the Richmond Police Department who perform meritorious service similar to but a lesser degree required than for the Distinguished Service Medal. The service must nevertheless be exceptional.

Description: The Meritorious Service Medal shall be a sterling wreath-circled star with black lettering, dapped with loop and a red and white drape. The uniform ribbon shall be enamel that is colored red, silver and white. Additional medals will be represented by the addition of a silver star to the silver section of the ribbon, with a maximum of two (2) stars.

1015.4.8 MERITORIOUS ACHIEVEMENT MEDAL
Criteria: The Meritorious Achievement Medal shall be awarded to an employee of the Richmond Police Department for a single significant noteworthy achievement. The achievement must be exceptional but to a lesser degree than required for the Meritorious Service Medal.

Description: The Meritorious Achievement Medal shall be a permatone I&J emblem with the City of Richmond seal, black lettering, dapped with loop and a blue, red and white drape. The uniform ribbon shall be enamel that is colored red and white. Additional medals will be represented by the addition of a gold star to the white section of the ribbon, with a maximum of two (2) stars.
Employee Commendations

1015.4.9 COMMUNITY SERVICE MEDAL
Criteria: The Community Service Medal shall be awarded to an employee or team (group) of employees of the Richmond Police Department who have solved a significant community problem. Difficulty of the problem, innovation and creativity, and commitment to the Department's community policing philosophy shall be the major consideration. Each member of a team shall receive the medal.

Description: The Community Service Medal shall be a Perm 443 badge, with black lettering, dapped with loop and a light blue and gold drape. The uniform ribbon shall be enamel that is colored light blue and gold. Additional medals will be represented by the addition of a gold star, with a maximum of two (2) stars.

1015.4.10 PURPLE HEART MEDAL
Criteria: The Purple Heart Medal shall be awarded to an employee of the Richmond Police Department based on the following:

(a) Violent act against an Officer
(b) Injury results from the "hands of another"
(c) Injury is sustained due to an accident
   1. While in pursuit of a criminal
   2. On the way to the scene of a crime
   3. Not be the result of negligence or disregard for proper procedures
(d) Serious injury deemed appropriate by the Chief of Police
(e) The circumstances above also require the following:
   1. Serious traumatic injury
   2. Injury requires medical attention
   3. Injury is not the result of a foolhardy act

Description: The Purple Heart Medal shall be purple in color and in the shape of a heart. In the center of the heart shall be a red enamel filling. At the top of the medal is a round Richmond Police medallion. The medal shall hang from a purple drape. The uniform ribbon and lapel pin shall be solid purple.

1015.4.11 ADDITIONAL RECOGNITION

1015.4.12 SENIOR SERGEANT
The Senior Sergeant program is created to recognize Richmond Police Department Sergeants who have demonstrated a high degree of proficiency, professionalism and organizational loyalty.

Method of Recognition: A Senior Sergeant shall be recognized by the addition of a banner to the Sergeant badge, stating his/her first initial and last name, and shall be affixed just above the word
"Sergeant." The lettering on the badge shall be black enamel with a raised gold number on a silver-engraved badge. The banner with the Sergeant's name shall be gold. A rocker shall be added to the existing Sergeant stripes and placed below the lowest chevron.

The qualifications for Senior Sergeant are the following:

(a) Possession of an Advanced P.O.S.T. Certificate
(b) Qualified for and receiving permanent career incentive
(c) Sick leave used will be less than the equivalent of eight (8) work days, regardless of hours per shift in the past thirty-six (36) months from time of application. This does not include death leave or industrial injury leave. The Chief of Police shall determine if sick leave is in the category of major illness or injury. He/she shall also determine if family sick leave will be counted as sick leave.
(d) No substantiated excessive force, unnecessary force or racially abusive conduct complaint in the past three (3) years; not more than one (1) substantiated complaint of any other kind within the last two (2) years.
(e) Have served as a Patrol Supervisor and in a minimum of two (2) specialty assignments. The minimum time of one (1) year shall refer to each separate assignment.
(f) The two (2) most recent evaluations document a performance level that meets or exceeds performance dimensions. The evaluations shall contain at least three (3) "Exceed Standard" ratings in the following performance dimensions: Communication skills, Interest in people, Dependability, Desire for self-improvement, Problem-solving, Judgment under pressure, Observation skills, and Willingness to confront problems. After achieving Senior Sergeant status, the Senior Sergeant shall maintain a performance level that meets or exceeds the aforementioned standards.
(g) Physical Fitness - one time qualification upon application to program"
   1. Weight proportionate per Departmental Manual
   2. One (1) mile in less than twelve (12) minutes or cardiovascular equivalent
   3. Twenty-five (25) sit-ups in three (3) minutes
   4. Ten (10) pushups
(h) Eligible for Senior Sergeant consideration at the completion of:
   1. Eight (8) years as a Sergeant with possession of BA, or
   2. Ten (10) years as Sergeant with possession of AA, sixty (60) units or equivalent

Application for the Senior Sergeant status will be completed in memorandum form. The Sergeant shall outline compliance with the eight (8) qualifications indicated herein. The memorandum shall be submitted through the chain of command to the Technical Support and Services Division Commander, who will prepare the administrative package for the Senior Command Staff.
Employee Commendations

The Chief of Police shall make the final decision if a Sergeant meets the qualifications of a Senior Sergeant. Failure to maintain any of the qualifications will disqualify the Sergeant's position as Senior Sergeant. The Chief of Police shall have the discretion to deny or revoke the status of Senior Sergeant at any time.

1015.4.13 HEALTH CERTIFICATE
A basic certificate will be awarded to every employee who does not use any sick leave during the calendar year. Personnel shall not use vacation, compensatory time or overtime, etc., in lieu of sick leave to qualify for this award. The award will escalate for successive years of health.

- One (1) year no sick leave - basic certificate in black ink
- Two (2) years no sick leave - basic certificate with bronze-embossed seal
- Three (3) years no sick leave - basic certificate with silver-embossed seal
- Four (4) years no sick leave - basic certificate with gold-embossed seal
- Five (5) years no sick leave - basic certificate with gold-embossed seal and blue ribbon
- Six (6) years no sick leave - eligible for Meritorious Service Medal and two (2) added holidays

Subsequent four (4) year blocks of no sick leave will add one (1) silver star to the uniform ribbon and awarding the Exemplary Health Award. This award will be in the form of an engraved plaque.

The Awards Committee shall review sick leave use annually. They will recommend recognition award nominations to the Chief of Police.

1015.4.14 PHYSICAL FITNESS AWARD
A certificate and/or plaque will be awarded to employees of the Richmond Police Department who meet the following fitness criteria. The award will be presented each year with the level of recognition continually increasing; escalation of the award will be for consecutive years of qualification.

(a) Personnel requesting recognition for the Physical Fitness Award shall author a memorandum through their chain of command to the Chief of Police. The memorandum shall be submitted during October of each year. Each year the criteria shall be as follows:

1. Weight proportionate to height
2. Complete one (1) mile in twelve (12) minutes
3. Complete twenty-five (25) sit-ups in three (3) minutes
4. Complete ten (10) pushups

(b) The award will escalate for successive years of fitness;

1. One (1) year - basic physical fitness certificate
Employee Commendations

2. Two (2) years - addition of bronze-embossed seal
3. Three (3) years - addition of silver-embossed seal
4. Four (4) years - addition of gold-embossed seal
5. Five (5) years - addition of red/white/blue ribbon to gold-embossed seal
6. Six (6) years - physical fitness plaque award
7. Seven (7) years - plaque with bronze seal
8. Eight (8) years - plaque with silver seal
9. Nine (9) years - plaque with gold seal
10. Ten (10) years - eligible for Meritorious Service Medal

Each additional five (5) year consecutive qualification shall make an employee eligible for an additional silver star for the uniform ribbon.

1015.4.15 LEADERSHIP AWARD
It is the policy of the Richmond Police Department to recognize and develop leadership skills of its employees. Leadership skills include:

- Competence
- Character
- Sensitivity
- Vision
- Developer
- Ethics
- Motivating

Each year an employee of the Richmond Police Department will be awarded the Leadership Award. The award will be based on outstanding leadership skills demonstrated during the year. The aforementioned leadership skills are basics to be considered, however, unique personal talent should also be explored.

The Leadership Award recipient will be chosen by popular vote of the Supervisor (Sergeants). Any member of the Department may nominate any employee for this award. Nominations shall be submitted in memorandum form and forwarded to the Chief of Police during November of each year.

The award shall consist of a plaque and an accompanying commendation from the Chief of Police.
Employee Commendations

1015.4.16 SAFETY AWARD
It is the policy of the Richmond Police Department to recognize individuals who demonstrate safe work habits over a significant period of time. Safe work habits are defined as follows:

(a) No preventable vehicle accidents
(b) No preventable injury accidents
(c) Discovery and resolution of an unsafe condition or practice.

The Safety Award will escalate based on the number of years of safe performance. The years of safe performance, although cumulative, need not be consecutive. For all current employees, the Safety Award shall be retroactive to the beginning of employment with the Richmond Police Department. Discovery and resolution of an unsafe condition or practice may be substituted for one (1) year of safe performance.

An employee will receive the basic Safety Award after two (2) years of safe work habits. The next level of award will be at least five (5) years and each increment of five (5) years up to thirty (30) years of safe service.

The Safety Award will consist of a pin similar to the City of Richmond pin presently worn on the police uniform. The pin will contain a banner with the word "Safety" on the face. Cumulative years of safety will be represented by the addition of a precious stone to the safety pin as follows:

- Two (2) years safe service - safety pin
- Five (5) years safe service - one (1) ruby on pin
- Ten (10) years safe service - two (2) rubies on pin
- Fifteen (15) years safe service - three (3) rubies on pin
- Twenty (20) years safe service - two (2) rubies, one (1) diamond
- Twenty-five (25) years safe service - one (1) ruby, two (2) diamonds

The Safety Award will be awarded on the anniversary hire date of each employee and will be accompanied by the appropriate performance evaluation. The Supervisor of the receiving employee is responsible for obtaining the award for the employee and coordinating the presentation by the Chief of Police.

1015.4.17 CIVILIAN EMPLOYEE OF THE MONTH AND YEAR
The nomination procedure for Employee of the Year shall occur in November. Any employee of the Richmond Police Department may nominate a civilian employee for Employee of the Year. The civilian employee award will be by popular vote by all employees of the Richmond Police Department.

Dedication, loyalty and outstanding performance in their job classification shall be the general guideline.

The award for Civilian Employee of the Year shall consist of a plaque.
Employee Commendations

Each month a Civilian of the Month may be chosen. It is not mandatory for an employee to be selected each month. The criteria for selection shall be the same high standard as that for Civilian Employee of the Year.

1015.4.18 UNIT DESIGNATOR PINS

A Unit Designator Pin may be issued at Department expense to those persons assigned to specified specialty units.

The Unit Designator Pins may be worn on the uniform by Department members while actively assigned to the following specialty programs:

(a) Crime Scene Investigator Program members ................... "C.S.I."
(b) Police Canine Program Members ............................... "K-9"
(c) Special Response Team Members .............................. "S.W.A.T."
(d) Police Training Officers .......................................... "P.T.O."
(e) Traffic and Off-Road Motorcycle Officers ....................... "RPD Wings"
(f) Crisis Negotiation Team Members .............................. "C.N.T."
(g) Marine Unit Members ............................................. "Marine Unit"
(h) Mobile Field Force ................................................ "M.F.F."

Any of the Designator Pins may be permanently worn on the uniform after satisfactorily completing the assignment for five (5) continuous years, even though the member is no longer actively assigned to that specialty.

Officers eligible to wear multiple Unit Designator Pins shall be restricted to the wearing of two (2) such pins. They shall be worn on the uniform shirt's right pocket flap, centered above the pocket button and worn in a straight line.

The Unit Designator Pins shall be silver for the rank of Sergeant and below, and gold for Command Officers.
Fitness for Duty

1016.1 PURPOSE AND SCOPE
All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1016.2 EMPLOYEE RESPONSIBILITIES
(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position;
(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints;
(c) During working hours, all employees are required to be present as scheduled or otherwise required, alert, attentive, and capable of performing his/her assigned responsibilities;
(d) Any employee who feels unable to perform his/her duties (as a result of being overly tired, because of medication, etc.) shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties (as a result of medication, alcohol or other drugs, lack of sleep, emotional stress, erratic behavior, etc.), such observations and/or belief shall be promptly reported to a supervisor.

1016.3 SUPERVISOR RESPONSIBILITIES
(a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition, including being potentially under the influence of alcohol or drugs, or as a result of being overly tired, shall take prompt and appropriate action in an effort to resolve the situation;
(b) The supervisor shall attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties (this may include sending the employee for an alcohol or drug test);
(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care;
Fitness for Duty

(d) In conjunction with the Watch Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties;

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1016.4 NON-WORK RELATED CONDITIONS
Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1016.5 WORK RELATED CONDITIONS
Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

The Watch Commander or unit supervisor with the approval of the Division Commander can temporarily remove an officer from regularly assigned duties and/or place him/her on paid administrative leave for the well-being of the employee and until such time the following may be completed:

(a) A preliminary determination that the employee’s conduct appears to be in compliance with policy and, if appropriate;

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1016.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Human Resources Department to determine the level of the employee’s fitness for duty. The order shall indicate the date, time and place for the examination;

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties (Civil Code § 56.10 (c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B));
(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment;

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file;

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered, or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination;

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1016.7 LIMITATION ON HOURS WORKED
Absent emergency operations, members should not work more than:

(a) 16 hours in one day (24 hour period);

(b) 30 hours in any 2 day (48 hour) period;

(c) 84 hours in any 7 day (168 hour) period.

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

Anytime a member of the department exceeds the limitation on hours worked indicated above, their supervisor shall submit a memorandum describing the need and circumstances for the employee's work hours which shall be submitted up the chain of command and ultimately to the Chief of Police.

1016.8 APPEALS
An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.
Meal Periods and Breaks

1017.1 PURPOSE AND SCOPE
This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager.

1017.1.1 MEAL PERIODS
Sworn employees and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from the Communications Center prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1017.1.2 15 MINUTE BREAKS
Each employee is entitled to a 15 minute break, near the mid-point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Communications Center.
Payroll Record Procedures

1018.1 PURPOSE AND SCOPE
Payroll records are submitted to Administrative Services on a semi-monthly basis for the payment of wages.

1018.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS
Employees are responsible for the accurate and timely submission of payroll records for the payment of wages. All data is entered into the InTime system. Supervisors and Commanders have specified points of approval. All records are finalized by the Information Technology Manager before being forwarded to the City of Richmond's Finance Department.

1018.1.2 TIME REQUIREMENTS
All employees are paid on a semi-monthly basis. Payroll records shall be completed and submitted to the Information Technology Manager in conjunction with pay dates that occur on the 1st and 16th dates each month.
Overtime Policy

1019.1 PURPOSE AND SCOPE
Members who work an excess of overtime hours may become fatigued, which could result in a decrease in performance and judgment during the course of normal work or in critical situations, increase sick leave usage during a member's regular shift, and result in last-minute staffing shortages requiring additional overtime backfill. In an effort to gain some control on excessive amounts of overtime, and provide for the overall health and safety of our members, the guidelines outlined in this policy will be used to authorize and approve overtime.

1019.1.1 OVERTIME GUIDELINES

- Overtime will not be approved or authorized for members who work more than twenty-four (24) hours of overtime within any scheduled work week. Individual members should track the number of overtime hours worked to ensure they do not exceed the aforementioned limits.

- Overtime will not be approved or authorized for members who work more than eighteen (18) hours in any twenty-four (24) hour period. The twenty-four (24) hour timeframe starts at 0000 hours and ends at 2359 hours. The 18-hour limit includes any combination of overtime assignments and secondary employment. The type of compensation, pay or time, is not a consideration when tabulating the number of overtime hours.

- In the interest of maintaining beat continuity, if an overtime opening becomes available on a patrol beat, officers working the same beat will be given first priority to the overtime. If the beat officer chooses not to claim the overtime within 24 hours, officers working the district in which the beat is located will be offered the overtime shift. If district officers choose not to claim the overtime within 24 hours, the overtime will be open to all officers of the same rank until the overtime is filled. All previously instituted overtime sign-up policies and protocols will remain in effect to the extent that they do not conflict with the above described process.

- Individual members shall enter all overtime hours into MyTime within 24 hours of working the overtime, for their supervisor's immediate approval. Supervisors will be responsible for auditing their personnel and reporting all violations of these guidelines, work performance issues and/or employment restrictions to the individual members Commanding Officer.

- Overtime associated with court obligations is excluded from the above described overtime guidelines.

- Recognizing that there will be instances which require exceptions to these guidelines - such as emergencies, disasters, SWAT call-outs and complex investigations of serious crimes - the Chief, or Chief's designee, may approve and authorize overtime hours exceeding these limits when necessary.
Overtime Payment Requests

1020.1 PURPOSE AND SCOPE
It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1020.1.1 DEPARTMENT POLICY
Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 480 hours of compensatory time.

1020.2 REQUEST FOR OVERTIME PAYMENT FORMS
Employees shall submit all overtime payment request forms for verification by their immediate supervisor and then forward them to Administrative Services as soon as practical. Failure to submit a request for overtime payment in a timely manner may result in a denial of compensation.

1020.2.1 EMPLOYEES RESPONSIBILITY
Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Watch Commander. Employees submitting overtime cards for on-call pay when off duty shall submit cards to the Watch Commander the first day after returning for work.

1020.2.2 SUPERVISORS RESPONSIBILITY
The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

Upon approval, the overtime payment request form is forwarded to the employee’s Division Commander for final approval.
Overtime Payment Requests

1020.2.3 DIVISION COMMANDERS RESPONSIBILITY
Division Commanders, after approving payment, will then forward the form to the Chief of Police for review.

1020.3 ACCOUNTING FOR OVERTIME WORKED
Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

1020.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR
When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<table>
<thead>
<tr>
<th>TIME WORKED</th>
<th>INDICATE ON CARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 15 minutes</td>
<td>.25 hour</td>
</tr>
<tr>
<td>16 to 30 minutes</td>
<td>.50 hour</td>
</tr>
<tr>
<td>31 to 45 minutes</td>
<td>.75 hour</td>
</tr>
<tr>
<td>46 to 60 minutes</td>
<td>1.0 hour</td>
</tr>
</tbody>
</table>

1020.3.2 VARIATION IN TIME REPORTED
Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.
Outside Employment

1021.1 PURPOSE AND SCOPE
In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1021.1.1 DEFINITIONS
Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1021.2 OBTAINING APPROVAL
No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee’s immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT
If an employee’s Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.
If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

1021.2.2   REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.

(c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked.

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.

1021.3   PROHIBITED OUTSIDE EMPLOYMENT
Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involves time demands that would render performance of the employee's duties for this department less efficient.
1021.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT
Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer(s) shall wear the departmental uniform/identification.

2. The officer(s) shall be subject to the rules and regulations of this department.

3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.

4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.

5. Outside security services shall not be subject to the collective bargaining process.

6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1021.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE
Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1021.3.3 SPECIAL RESTRICTIONS
Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.
Outside Employment

1021.4 DEPARTMENT RESOURCES
Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1021.4.1 REVIEW OF FINANCIAL RECORDS
Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to § 1040.2.2(c) of this policy.

1021.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS
If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1021.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY
Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor’s orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:
Outside Employment

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Richmond Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.
Educational Incentive

1022.1 PURPOSE AND SCOPE

The Educational Incentive Program exists in the Police Department to provide advance opportunity for Officers who endeavor to improve their individual proficiency by participating in an approved program of study.

1022.2 POLICY

(a) Educational Incentive shall be used to express the status of an Officer regardless of rank who is receiving additional salary for fulfilling educational or other requirements as set forth in this section.

(b) The supplemental pay rate for Educational Incentive can be found in the current Memorandum of Understanding.

(c) The term of appointment shall be for a period not to exceed the end of the calendar year, except that Officers who achieve a BA degree or the Peace Officers Standards and Training (P.O.S.T.) Advanced Certificate and who qualify for Incentive pay for three (3) consecutive years will continue to receive the Incentive pay without the requirement for further annual requalification.

1022.2.1 ELIGIBILITY

(a) An Officer who has completed three (3) years of service and is eligible for the Educational Incentive supplemental pay rate providing he/she completes the required fifty (50) hours of approved training.

(b) An Officer may become eligible for Educational Incentive pay commencing the first day of the month following his/her anniversary date if he/she completes the required fifty (50) hours of approved training during the preceding twelve (12) months. Thereafter, the Officer may become eligible to receive the Educational Incentive supplemental pay rate on an annual basis commencing January 1 by completing the approved fifty (50) hours of training during the preceding twelve (12) months.

(c) A supervisory Officer shall be eligible for the Educational Incentive supplemental pay rate upon successful completion of the required fifty (50) hours of approved training. The Educational Incentive supplemental pay rate commences the first day of the month following successful completion of this training. Thereafter, the Officer may become eligible to receive the Education Incentive supplemental pay rate on an annual basis commencing January 1 by completing the approved fifty (50) hours of training.

1022.2.2 APPROVED STUDY
(a) Approval of each course of study must be obtained in advance from the Training Unit Supervisor, who shall determine whether or not the activity meets the standards of acceptance.

(b) Three (3) or more semester units or four (4) or more quarter units of approved college or university work shall be equivalent to fifty (50) hours of classroom study.

(c) Units of approved study must be completed with a passing grade of "C" and the employee might be required to submit his/her notebook or written report on those studies to the Technical Support and Services Bureau.

(d) When a course of study is commenced in one (1) year and completed in the following year, the Technical Support and Services Bureau shall make the evaluation to determine the year to which credit may apply.

(e) Officers who wish to enroll in a college or university shall submit in advance of enrollment or committal a completed RPD Admin Form (rev 9-30) to the Training Unit Supervisor.

1022.2.3 EMPLOYEE'S RESPONSIBILITY
Upon successful completion of an approved Educational Incentive Program, it shall be the Officer's responsibility to provide proper documentation to the Training Unit Supervisor, who will forward the documentation to the City Personnel Department.

1022.2.4 OFF-DUTY REQUIREMENT
All time spent by officers in qualifying for Educational Incentive shall be off duty and shall not entail any cost to the City of Richmond.
Personal Appearance Standards

1023.1 PURPOSE AND SCOPE
In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1023.2 GROOMING STANDARDS
Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception. In addition, unless otherwise stated the standards listed in this policy apply to all on-duty department personnel, irrespective of rank, job classification, or current assignment. In all cases, the Chief of Police/designee shall determine authorized hairstyles for on-duty personnel.

1023.2.1 HAIR
Hairstyles of all members shall be clean and neat in appearance. Hair coloring, if used, must be of a naturally occurring shade for human beings (e.g., black, blond, brown, gray, red). Unnatural hair colors, fluorescent colors, glitter, and the like are prohibited.

For male members (sworn or civilian), while in uniform, hair must not extend below the top edge of the uniform collar when assuming a normal stance.

For sworn female members, while in uniform, hair must not extend below the top edge of the uniform collar when assuming a normal stance; or it must be worn up in a tightly wrapped fashion.

For civilian female members, while in uniform, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect; or worn up in some kind of tightly wrapped braid or ponytail.

1023.2.2 MUSTACHES
A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1023.2.3 SIDEBURNS
Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1023.2.4 FACIAL HAIR
Facial hair must have a natural color, be kept tidy, neatly trimmed with no exotic patterns.

Facial hair shall not extend below the ridge of the chin (onto the neck).

The growth of hair below the bottom lip and above the chin alone, commonly referred to as a "Soul Patch" is not authorized.
Chin hair only is not authorized.

Beards shall be neatly trimmed, with growth not to exceed 13/32 of an inch or 10 mm (setting of 4 on an electric trimmer), and shall not interfere with the fit or operation of any tool or equipment issued by the Police Department.

Exceptions to PM 1044.2.2 - Mustaches, only apply when they are worn in combination with the wearing of beards.

Facial hair shall not be worn in conjunction with the Department Class A uniform.

The wearing of facial hair shall remain at the discretion of the Chief of Police.

This policy is specific to how facial hair should be worn. Any deviations from this policy will be enforced.

1023.2.5 FINGERNAILS
Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be clean, neat, and trimmed so that no point of the nail extends beyond the tip of the finger.

1023.2.6 JEWELRY AND ACCESSORIES
No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police/designee. Only one ring may be worn on each hand of the employee while on-duty.

1023.3 TATTOOS
While on-duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on-duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang related, or obscene language.

Members with tattoos that cannot be covered with a short sleeved shirt, must wear a long sleeved uniform shirt; or if in civilian attire, a long sleeved collared dress shirt. Improvised coverings of any nature may not be used to cover tattoos.

1023.4 BODY PIERCING OR ALTERATION
Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:
Personal Appearance Standards

(a) Tongue splitting or piercing.
(b) The complete or transdermal implantation of any material other than hair replacement.
(c) Abnormal shaping of the ears, eyes, nose or teeth
(d) Branding or scarification.
Uniform Regulations

1024.1 PURPOSE AND SCOPE
The uniform policy of the Richmond Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property
Section 1024 - Body Armor
Section 1044 - Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

1024.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT
Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(j) Mirrored sunglasses will not be worn with any Department uniform.
Uniform Regulations

(k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.

1. Wrist watch
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
3. Medical alert bracelet

1024.2.1 DEPARTMENT ISSUED IDENTIFICATION
The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1024.3 UNIFORM CLASSES

1024.3.1 CLASS A (DRESS) UNIFORM
The Dress shall be the same as the duty uniform with the exception of the uniform dress jacket and shirt. A uniform tie shall always be worn with the dress uniform. It is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Dress uniform is required for all sworn personnel.

(a) Uniform Dress Jacket:

1. **Material** - Navy blue Metcalf 386-18, 18 oz. serge. Garments will be marked with a guarantee label, Metcalf Bros. Cos., 368-18, 18 oz.

2. **Style** - To be semi dress jacket made with coat sleeves. Front to be fastened with a Talon#5 zipper, from the bottom of the jacket vertically to the base of the lapels; to have a one piece back (or two piece with center seams extending from the bottom of the collar to the bottom of the jacket) with 1” outlets; to have golf pleats including 3/4” elastic band to hold the pleats in place on each side seam extending from the shoulder seam to the bottom of the jacket, and to be stitched closed from the first 3” below the shoulder seam; to have belt stitched down at the approximate natural waistline. Jacket to be fitted so as to be worn loosely and straight down. In all cases to fall to the top of the hip pockets, bottom to be made with a 4” turn up and not to include a separate waistband. To have an adjustable side tab at the natural waistline to be 4 1/2” in length and 1 1/2”
at the seam and widening to 2 1/2" at the end of the tab, with a button hole accommodating one 24 ligne "P" button. One 24 ligne "P" button sewn 1 1/2" from the top of the adjustable tab (for wearer's fitting convenience).

3. **Lapels** - To be plain peaked with 15" opening and being 3/4" wide at the widest point.

4. **Sleeves** - To be plain with regular turn-up with 3 buttons (keyed) evenly spaced, the first button to be gilt P 24 ligne.

5. **Facing** - To be the same material as the jacket, cut in one piece not less than 4" wide at the top and 3 1/2" wide at the bottom.

6. **Collar** - Width to be 1 3/4" at the center and back to be hand felled.

7. **Pockets** - To have two outside breast pockets properly stayed and with box pleats 6 1/2" deep and 6" wide at the top and bottom. Bottoms to be slightly rounded. Each breast pocket to have a three pointed flap finished 6" wide and 2 1/2" deep on the sides and center, 2 1/8" deep in the hollows. Each flap to have a button hole and a correspondingly placed removable 24 ligne "P" button to have two inside pockets, horizontal type, one on each side, minimum 6" wide and 6 1/2" deep.

8. **Shoulder Strap** - Jacket to be furnished with tapered shoulder straps, 2 1/4" wide at the collar and long enough to extend and to be tacked down under the collar. To have a button hole running perpendicular to the collar centered in the open end of the flap and correspondingly placed 24 ligne "P" buttons so placed that the button comes flush up to the edge of the collar. Strap to be stayed across 2" above shoulder straps and cross stitched.

9. **Stitching** - Seams to be double stitched with all silk, color fast thread.

10. **Arm Shields** - To be piped and made of the same material as the jacket.

11. **Badge Holder** - To be tunnel type badge holder. Finished 1" wide and 1 3/4" long, made of two thicknesses of the same jacket material. Single stitched around all edges; to be equipped with two metal eyelets, placed 1" center to center. The entire holder to be attached to the jacket with the center of the top eyelet 2 3/4" above center of the left breast pocket flap.

12. **Construction** - Jacket shall be tailored with good quality of matching lining, using Hymo type coat fronts, employing good standard tailoring practices used in coat construction.

(b) **Uniform Dress Shirt** - The uniform dress shirt shall be the authorized long sleeve duty shirt.

(c) **Dress Equipment shall consist of the authorized** - badge, nameplate, gun belt, four keeper straps, the duty sidearm.
Uniform Regulations

(d) **Dress Holster** - The dress holster shall be the same as the uniform holster as issued by the Department.

1024.3.2 **CLASS B (DUTY) UNIFORM**

The Duty uniform for sworn personnel shall consist of the following:

(a) **Uniform Jacket** - The wearing of a jacket for general duty purposes shall be optional except when specifically directed otherwise. It shall be black and have gold police buttons, zipper front, mouton type collar and two front button-down pockets; and be made of either 100% Nylon (Tuffy Jac) with elastic type bottom or Tactel fabric (New Generation) with outer side zippers and removable interior liner and collar.

(b) **G-1 Police Jacket** - The G-1 police jacket, manufactured by San Diego Leather, is approved for wear by uniformed personnel as an optional outer garment. The G-1 is used extensively in the Police Departments across the nation for patrol car and mild weather motorcycle use. It is made with top quality materials - leather, stitching, lining and hardware. The G-1 is most popular with the plain leather collar in cowhide, but is also available with permanent real sheep fur collar with black fur. The jacket has been approved in either Black cowhide or Black goatskin. Some of the features of the G-1 police jacket are:

1. Inside Front Wind Flap Two Patch Pockets with Buttons
2. Snaps Small Ink Pen Insert on Right Patch Pocket
3. Optional Velcro on Pocket Flaps Side Entry Pockets built behind Patch Pockets
4. Fur Collar or Plain Leather Collar
5. Optional Universal Badge Holder
6. Optional Name Plate Holder
7. Biswing Back Underarm Gussets
8. Heavy weight Knit Cuffs and Waistband
9. Heavy weight Brass Front
10. Zipper Nylon Lining, Nylon Stitching (guaranteed for ten years)
11. Inside Gun Pocket
12. Inside Breast Pocket

(c) **Uniform Trousers** -

1. **Material** - Navy blue Metcalf 386-19, 18 oz. serge.
2. **Style** - Plain front without pleats, 2" waistband cut in separate pieces, backed with full shrunk canvas and lined with snugtex waistband and with two (2) 24
ligne buttons and French fly. Trousers shall be cut and tailored so the button waistband rests on the hip bones.

3. **Belt Loops** - Seven (7) tunnel-loops approximately 1" wide. Six to be sewn in the waistband, and one to be sewn in the center of the back seam keeping the belt from riding over the waistband, and of a size large enough to accommodate a 1 1/2" belt.

4. **Side Seams** - To be plain and pressed open inside, the side seam shall have 1/2" black mohair braid for all ranks, extending from the bottom of the waistband, over the front pockets and down to the finished length of the trousers.

5. **Pockets** - Two side, two hip, one watch, and two club pockets. No flaps or tabs on any of the pockets. Stitched diamond, 1/2" long, reinforced on the corners of the hip and club pockets only. The club pockets, one on each side, to be 3" below each hip pocket. The hip pockets to be made through hollandsta or equal and caught under waistband to prevent sagging. Facing or bearer on side pockets to be the same material as in trousers and to be at least 2" deep. Pockets of #250 canvas, all pockets to be turned and sewn at bottom run with extra reinforcement.

6. **General Tailoring** - Made with plain bottoms, no cuffs, 2 1/2" outlet hem to allow for alteration, to hang with no break in the front or back. Bottom of side seam to be no higher than 4" from floor level. Trouser bottom based on a 34" waist to be not less than 17" or more than 19" graduated up and down according to size or wearer. Seat to be tailored snug as stretch will occur, no suspender buttons, no leather trim or piping on pockets.

(d) **Uniform Duty Shirt** -

1. The uniform duty shirt shall be a Flying Cross brand, navy blue in color long sleeve (Lot #4W6686) or short sleeve (Lot #98R6886), and both styles 65% Dacron and 35% avir. The out sleeve of the short sleeve uniform shirt shall be approximately 10" and the in sleeve 6 3/4" to 7". Under no circumstance shall any appreciable alteration of the sleeve length beyond approximately 1/4" be allowed in the alteration of the short sleeve uniform shirt, and undergarment sleeves are not to be visible or protrude beyond the length of the shirt sleeve. The shirt shall have shoulder straps, conventional sport collar with permanent stays, two scallop flaps, plain pockets with Velcro closures, pencil compartment, full badge sling, seven baked in creases, front, back and sleeves. Full length tails and form fitted.

2. The all wool uniform shirt shall be the Los Angeles Police Department style, 10 1/2 oz. tropical Raeford material #8321-30 dark navy color, long or short sleeve, and having identical characteristics and as noted above.
3. Uniformed personnel shall have the option of wearing either the authorized long sleeve or short sleeve duty shirt except when specifically directed otherwise. Personnel attired in the short sleeve shirt may, at their individual option, wear the uniform duty jacket or rain coat when necessary. Only a black or a white undergarment can be visible when the uniform shirt is worn without a uniform necktie. Turtlenecks, mock or full and turtleneck dickeys are also approved for wear in black only, underneath the uniform shirt.

(e) **Uniform Tie**

1. The uniform tie shall be wool or 45% rayon and 55% Dacron polyester blend, black and measuring at its widest point no less than 2 1/2" nor more than 3 1/2" (hook or snap neckband style).

2. The uniform tie may be worn with both the uniform long sleeve duty shirt and the uniform dress shirt. The uniform tie may only be worn with the short sleeve uniform shirt when a uniform jacket is worn.

(f) **Footwear and Socks**

1. The sock shall be black or navy blue.

2. Uniform shoes: Authorized styles and specifications are: Wellington style, 1 - 1 1/2" heel, plain toe, black leather, concealed zipper on inside ankle area is permissible; Chuka style, lace type, plain toe, cushion sole, black leather; Oxford style, plain toe, lace type, smooth black leather having no grain; U.S. Military Recruit style, black leather, plain toe, composition or leather sole, lace-up 10" uppers.

3. Footwear will be maintained in a highly polished and glossy condition. There will be no western style high heel boots, pointed or box toe, metal or other ornamentation on uniform footwear.

(g) **Uniform Hat**

1. The uniform hat shall be an eight (8) point, navy blue, Metcalf 386-16, serge soft cap. It shall have an emblem and chin strap as specified in Rank Specifications.

2. Wearing of the uniform hat shall be optional and shall be carried by Officers and Police Assistants while in a vehicle.

(h) **Cold Weather "Trooper Cap" (Optional)** - From 15 October through 15 March, uniformed personnel may wear the Trooper Cap. The Watch Commander may authorize wearing of the cap during other periods when appropriate weather conditions exist.

1. The Trooper Cap Shall be black nylon shell with black "Dynel" fur ear and neck flap as manufactured by Horace Small Mfg.
Uniform Regulations

2. When worn, sworn personnel shall affix the uniform cap shield to the brim of the cap. Professional Staff personnel shall wear the cap without a cap shield.

3. Personnel should be aware that wearing the cap with the neck and ear flap down Impairs hearing and for this reason shall avoid wearing the cap in this condition during times when a hearing loss could jeopardize personal safety or the safety of other personnel.

(i) Utility Cap -

1. Sworn Personnel and uniformed professional staff shall have the option of wearing a utility cap in lieu of the eight (8) point cap or cold weather cap for routine patrol duties.

2. The utility cap shall be the New Era Pro Model in navy blue for conventional uniform and black for utility wear. This is the only utility cap that is authorized for on-duty wear.

3. The front of the cap shall be embroidered with "RICHMOND POLICE" in bold letters. Richmond shall be in arc and police in a straight line to the cap bill. The embroidered letters will be in silver for sergeants/officers and gold for command staff.

4. Lieutenants and Sergeants have the option of placing their rank insignia on the front of the cap in either standard or subdued style. The utility cap shall have no other pins or markings attached to it.

(j) Military Micro Fleece Cap - Sworn personnel and uniformed professional staff also have the option of wearing the microfiber cap designed by Polartec to be a replacement to the World War II era black wool watch cap. It features tight-knit microfiber construction that provides lightweight warmth and breath ability; it is also quick-drying and non-irritating.

1. The cap shall be the Polartec Classic Micro model, in black. This is the only watch-style cap that is authorized for on-duty wear.

2. The front of the cap shall be embroidered with "RICHMOND POLICE" in bold letters. Richmond shall be in arc and police in a straight line above the bottom edge, identical to what is displayed on the Utility Cap. The embroidered letters will be in silver for sergeants/officers and gold for command staff.

3. Lieutenants and Sergeants have the option of placing their rank insignia on the front of the cap in either standard or subdued style. The utility cap shall have no other pins or markings attached to it.

1024.3.3 NON-UNIFORM ATTIRE
Uniform Regulations

(a) Sworn personnel on duty and assigned to a non-uniformed assignment shall wear
civilian attire basically consisting of suit with shirt and tie or a sport coat with shirt and
tie. Necktie wear can be optional with the approval of a command officer, based on
the duties and tasks to be performed by the requester.

(b) Officers shall not wear shoulder holsters in such a manner as to normally be exposed
to the public view. This shall include the working areas of the Hall of Justice.

(c) Non-uniformed personnel shall carry the following equipment: Badge and identification
card; authorized sidearm, ammunition, and handcuffs.

(d) Officers working in plain clothes will be prompt to identify themselves when necessity
arises. Uniform officers shall not recognize an undercover officer in civilian attire
unless first addressed.

(e) Officers assigned to a special investigations assignment as approved by the Chief
of Police or designee shall not be required to conform with uniform, equipment, and
appearance regulations when these regulations interfere with the work required by
their assignment.

1024.3.4 UTILITY UNIFORM
Police officers on duty as Evidence Technicians; Canine Officers; Traffic Officers while engaged
in commercial vehicle enforcement efforts; patrol officers assigned to a graveyard shift; or other
police employees assigned to Vehicle Abatement or other authorized specialized field duties have
the option of wearing the utility uniform as the duty uniform. Patrol officers assigned to shifts other
than graveyard may substitute the Class B (Duty) uniform for the utility uniform when the respective
work shift is during stormy weather conditions.

(a) Approved Utility Uniform for Sworn personnel is black and navy blue for Professional
Staff -

  1. The shirt shall have two large bellow chest pockets with hood-and-loop flaps,
     secured by hidden Velcro strips, inside pocket for pen and penlight in left pocket;
     heavy duty concealed brass Nomex zipper with overflap; one-snap closure
     above and below zipper on front closure; 2-position snap closure at wrists for
     exact fit. The shirt shall have a hidden front-zip closure and a cloth badge sling
     affixed above the left pocket, or an approved cloth badge permanently affixed.

  2. The trousers shall have a total of six roomy pockets; two quarter hip pockets, two
     welted back pockets with hook-and-loop flaps, and two large side cargo carrier
     pockets with flap closures. The rear pockets and cargo pockets shall have flaps
     which are secured by Velcro. The trousers shall have 2 hook and loop waist
     adjusters and seven standard belt loops.

(b) Uniform personnel shall have the option of altering the utility uniform to short sleeves
    in the same fashion as the short sleeve uniform duty shirt. The out-sleeve of the short
    sleeve utility uniform shirt shall be approximately 10" and the in-sleeve 6 3/4" to 7".
    The altered end shall be tucked inside the sleeve approximately 3/4" and stitched to
show a finished look. Uniform personnel shall have the option, year round, of wearing either the short or long sleeve utility uniform shirt.

(c) The utility uniform shall have all markings required on the uniform duty shirt such as patches, secured badge holder, cloth name plate and optional service stars. These items shall be located on the utility uniform shirt. Equipment with the utility uniform shall be the same as required with the standard duty uniform such as uniform duty belt and safety vest. The utility uniform shall be clean, pressed and not noticeably wrinkled.

(d) Utility Cap - The Utility Cap is considered optional headgear and shall only be worn on duty with the utility uniform. The approved cap shall be a black wool baseball cap with the word "POLICE" in white one inch tall letters, similar to the cloth name tag, across the front (gold letters are approved for officers the rank of lieutenant and above).

1024.3.5 MOTORCYCLE OFFICER UNIFORM
Traffic Officers shall wear the following uniform when assigned to motorcycle duty:

(a) As furnished by the Department - Uniform motorcycle boots, vest, helmet, and uniform motorcycle trousers.

(b) Uniform duty shirt as prescribed for uniformed field personnel.

(c) Black bow tie or black dickey when a tie is prescribed for uniformed field personnel.

(d) Protective eyewear: clear or tinted as approved by the Department. The Department shall furnish glasses approved by the California Highway Patrol for such use or reimburse an equal amount unless they are prescription glasses.

(e) Black leather police motorcycle jacket as furnished by the Department (Golden Bear of San Francisco manufactured "Policemen's Leather Jacket" style #110-P). It is expected that priority will be given to wearing the leather jacket; however, during warmer times of the day the uniform duty jacket (nylon) may be worn, or no jacket at all at the option of the individual officer.
   1. When the leather jacket is worn, the officer is permitted to wear undergarments of his choosing without a duty shirt, provided a dickey and vest are worn.
   2. When the officer is dressed as described in the preceding section he/she may remove the jacket while in the Hall of Justice and not dealing with the public.

(f) Motorcycle Officers shall wear or carry such other equipment as is prescribed for uniformed field personnel.

(g) Motorcycle Officers shall wear the uniform prescribed for uniformed field personnel, at times when not operating the motorcycle such as inclement weather, mechanical breakdown, etc.; except when the change occurs during the shift.

(h) Approved Traffic and Motorcycle Officer Uniform Insignia -
Uniform Regulations

1. Flying wheel patch, gold and white symbol against a black background worn on the uniform shirt directly below each shoulder patch (or chevrons for sergeant) and centered.

2. Flying wheel pin, silver, with the word "CALIFORNIA" in silver letters against a black arc ribbon background above the wheel, and the word "RICHMOND" in black letters against a silver arc ribbon background below the wheel. The pin is to be worn centered directly above the nameplate on the uniform shirt.

1024.3.6 BICYCLE OFFICER UNIFORM

Bicycle Officers shall wear the following uniform clothing and personal protective equipment when engaged in public safety cycling duty:

(a) Black, properly fitted bicycle safety helmet.

(b) Protective eyewear: clear or tinted as approved by the Department. The Department shall furnish glasses for such use or reimburse an equal amount unless they are prescription glasses.

(c) United Uniforms or comparable manufacture's Coolmax short sleeve Class "A" polo shirt, black, that feature: 12.5 Oz. 70/30 Coolmax/Poly pique knit; sport collar with fused tricot interliner; pleated pockets with mitered corners; scalloped flaps with hook and loop closure; pen opening on the left pocket; one inch mic. tab on bottom of placket; reinforced placket front with melamine buttons; topstitched and cross stitched epaulets; self sleeve cuff; permanent sewn in creases, two in the front and three in back; full badge sling or an approved cloth badge permanently affixed; two inch side vents; fitted pattern with extra-long tail; with the word "POLICE" affixed to the back, horizontally displayed in white 4" letters.

(d) United Uniforms or comparable manufacture's black nylon bike patrol pants that feature: 5.5 oz. 100% nylon plain weave; 2 1/4" elasticized waistband with draw cord; four 1" nylon keepers with hook and loop; two side seam zippered pockets; two single welt zippered pockets; two side cargo pockets with flaps; two pen pockets on each cargo pocket; 7" zippered fly; straight barracks; vented knee with stretch panel; 10" zippered leg gussets; elasticized cuffs; and double needled seat.

(e) Black nylon Sam Browne duty belt constructed of ballistic weave fabric, matching duty belt accessories; and an appropriate tactical thigh holster that provides Level III protection in a leg platform.

(f) A sturdy, crossover bicycle shoe that provides firm cycling support and walk ability, black, and of durable construction.
1024.3.7 SWAT UNIFORM SPECIFICATIONS

The uniforms worn by the SWAT Team are to make them easily identifiable as law enforcement officers. SWAT Team members will be issued a minimum of two identical tactical uniforms and one outer jacket. The color and type of uniforms and jacket will be determined by the SWAT Commander after consultation with the SRT Commander. One of the uniforms will be a training uniform, and the second uniform will be reserved for call-out operations.

(a) Baseball Cap: The team will wear identical caps while on duty in a SWAT capacity. The color will be commensurate with the SWAT uniform. The front of the cap will display the SWAT Team logo or star. Caps are to be worn in the "forward" position and are to be in good condition.

(b) Battle Dress Uniform "BDU" (Long sleeve shirt)
1. BDU long-sleeve shirts are to be military "rip-stop" specification and manufactured by Propper Uniforms.
2. One "RPD SWAT" shoulder patch, will be attached to each shirt sleeve.
3. One "S.W.A.T." tape or "Badge-Patch", as directed will be attached above the left breast pocket of each shirt.
4. Uniform shirts are to have subdued patches attached.
5. An American Flag will be affixed on the right sleeve.
6. Uniform shirts will display the member’s department rank.
7. All uniform shirts will bear the Team Member’s first initial and last name above the right breast pocket.
8. Shirts must be free of wrinkles and have a pressed look to them. It is not necessary for the "BDU" shirt to be "Military Pressed".

(c) Battle Dress Uniform (Long Pants)
1. "BDU" long pants are to be military "rip-stop" specifications and manufactured by Propper Uniforms.
2. The pants must be free of wrinkles and have a pressed look to them.

(d) Team T-Shirts
1. Team T-shirts are to be worn under the "BDU" shirt.
2. Team T-shirts are also to be worn as a uniform shirt during physical fitness training.
3. Team T-shirts can be either long sleeve or short sleeve.
4. Team T-shirts are to be identical in design and color while in a SWAT capacity.

(e) Pants Belt
Uniform Regulations

1. Only cotton "military" belts or nylon webbing belts will be acceptable.
2. All belts and buckles must be black in color or commensurate with the uniform.
3. Leather belts are not acceptable

(f) Tactical Duty/Gun Belt
   1. The tactical duty/gun belt must be construed of nylon webbing.
   2. All equipment attached to the duty/gun belt must be black in color or commensurate with the uniform.
   3. Equipment pouches or holsters that have been dyed must be completely dyed and commensurate with the uniform. If fading occurs, the item must be re-dyed

(g) Boots
   1. Boots must be above the ankle with all team members' boots matching in color. Boots are to be clean and in good condition.

(h) Outer Jackets
   1. Jackets will be identical and approved by the SWAT Commander.

1024.3.8 CLASS D (EXTERNAL VEST CARRIER) UNIFORM

It is the policy of the Department to allow officers the option of wearing an external vest carrier with the below listed Class D uniform. The external vest carrier shall only be worn with the Class D uniform, except for personnel assigned to the Investigations and Administration Divisions who may wear the vest carrier with civilian attire during rapid emergency deployments. Traffic and Special Events officers may wear the Class D uniform when not operating a police motorcycle. Civilian Crime Scene Technicians are authorized to wear the external vest carrier and uniform in navy blue. Management retains the right to designate uniform of the day as appropriate.

Officers should consider the following when deciding to take off the external vest carrier during work hours:

- Security of location
- Access to equipment
- Equipment security

Officers who elect to wear the external vest carrier shall wear their vest when in a marked police vehicle or while in any situation where contact with the public is reasonably expected. Officers shall not remove their vests while booking prisoners. The Class D uniform is not authorized courtroom attire.

The Class D uniform shall consist of the following:

(a) **External Vest Carrier** – The Safariland “Bothell City” vest carrier is the only authorized carrier for duty use. The vest carrier shall be black in color with a badge holder on the
left side of the chest and removable embroidered name strip on the right side of the chest. The removable rear identity patch shall be 4” x 8”, black in color, with “POLICE” written in bold white lettering (Master Officers and Lieutenants or above shall have gold lettering). Officers shall wear their Department-issued badge on the carrier and embroidered name strip per Department policy. Equipment pouches attached to the vest shall be black in color. The equipment pouches shall be limited to the following unless authorized by the Chief of Police or designee:

- Taser pouch/holster (to be worn on opposite side from duty handgun)
- Handcuff pouch
- Flashlight pouch
- Expandable baton pouch
- Chemical agent pouch
- Radio pouch
- Handgun magazine pouch
- Small utility pouch

Officers may carry a secondary (back-up) handgun inside of the external vest carrier, however, the back-up handgun shall be carried in a concealed manner.

(b) **Shirt** – The Flying Cross "Cross FX" hybrid shirt shall be the only authorized shirt to be worn with the external vest carrier for uniformed personnel. The shirt shall be black in color and have creases on both sleeves. A Department-issued badge patch shall be stitched on the left side of the chest. The shirt shall conform to Department policy regarding rank insignia, service hash marks, and Department shoulder patches.

(c) **Pants** – The Flying Cross "Cross FX" Class B style duty pant shall be the only authorized pants to be worn with the external vest carrier for uniformed personnel. The pants shall be black in color and have permanent military creases. The pants shall have a ten-pocket design, to include two front pockets, two back pockets, two lower utility pockets, and two ‘4-in-1’ cargo pockets.

## 1024.4 INSIGNIA AND PATCHES

(a) **Service Hash Marks** - Officers shall wear hash marks to represent their longevity. A 2 1/4" by 1/2" hash mark of blue silk bordered by gold silk embroidery shall represent five (5) years of completed service as a police officer with a California Peace Officer Standards and Training (P.O.S.T.) accredited law enforcement agency. The hash markings are the same as the regulation hash markings authorized by the California Highway Patrol. Hash marks shall be worn on the left sleeve of the duty shirt, jacket or dress jacket

(b) **Department Shoulder Patch** - The Department Shoulder Patch shall be worn on all regulation shirts and jackets. It shall be worn on both shoulders, placed approximately 1/2" below the shoulder seam. The post WWII shoulder patch is the authorized
Uniform Regulations

patch for wear on uniform garments. The only exception is for uniformed members of the SWAT Team while engaged in official SWAT duties or while on SWAT training activities.

(c) **Assignment Insignias** - Assignment insignias, (SWAT, PTO, etc.) may be worn as designated by the Chief of Police.

(d) **Flag Pin** - A flag pin may be worn, centered above the nameplate.

(e) **Badge** - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

(f) **Rank Insignia** - The designated insignia indicating the employee’s rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1024.4.1 **MOURING BADGE**
Wearing of rank specifications of lace braid shall be worn only on the uniform dress jacket. Emblem type rank specifications shall be worn on uniform jackets (dress and duty), and all uniform shirts. Uniforms of all officers shall reflect their respective rank as specified in the following:

(a) **Emblems** -

1. **Chief of Police** - The emblem rank shall be four fire gilt metal stars, 1” wide between points and shall be placed on each shoulder strap of the outermost garment. The collar emblem shall be four fire gilt metal stars.

2. **Assistant Chief of Police** - The emblem rank shall be two fire gilt metal stars, 1” wide between points and shall be placed on each shoulder strap of the outermost garment. The collar emblem shall be one fire gilt metal star.

3. **Captain** - The emblem rank shall be a pair of polished gold bars, to be worn on the shoulder of the uniform jacket and shall be 1” by 3/8”. The emblem worn on the collar of the uniform shirt shall be 3/4” by 1/4”.

4. **Lieutenant** - The emblem rank shall be one polished gold bar to be worn on the shoulder of the uniform jacket and shall be 1” by 3/8”. The emblem worn on the collar of the uniform shirt shall be 3/4” by 1/4”.

5. **Sergeant** - The emblem rank shall be Chevrons and shall be the same as the regulation California Highway Patrol Sergeant’s Chevrons. They shall be worn on both sleeves of all uniform jackets and uniform shirts.

(b) **Braid** - All ranks shall be sewn in the same manner as specified for the Chief of Police.

1. **Chief of Police, Assistant Chief of Police, and Captain** - The uniform dress jacket shall have 3/4” gold wire braid to be sewn on both sleeves 3” from the bottom of the sleeve extending halfway around the sleeves from seam to seam and set into seams at both sides.

2. **Lieutenant** - The uniform dress jacket shall have a 1/2” gold wire braid.

3. **Sergeant** - The uniform dress jacket shall have a 1/2” silver wire braid.
4. **Police Officer (Master Police Officer)** - The uniform dress jacket shall have a 1/2” mohair braid

(c) **Uniform Hat Shield** - The uniform hat shall have an emblem cap shield furnished by the City of Richmond in one of the following styles:

1. **Chief of Police** - Gold with "Chief"
2. **Assistant Chief of Police** - Gold with "Assistant Chief"
3. **Captain** - Gold with "Captain"
4. **Lieutenant** - Gold with "Lieutenant"
5. **Sergeant** - Silver with "Sergeant"
6. **Police Officer** - Silver and numbered to correspond with the badge number. (Master Police Officer - gold and numbered to correspond with the badge number.)

(d) **Chin band** - The chin band shall be:

1. **Chief of Police, Assistant Chief of Police, Captain, and Lieutenant Lieutenant Lieutenant** - Gold gilt wire braid with gold buttons.
2. **Sergeant** - Silver wire braid with silver buttons.
3. **Police Officer (Master Police Officer)** - Black patent leather with gold buttons.

**1024.5 CIVILIAN ATTIRE**

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

(d) The following items shall not be worn on duty:

1. T-shirt alone
2. Open toed sandals or thongs
3. Swimsuit, tube tops, or halter-tops
Uniform Regulations

4. Spandex type pants or see-through clothing
5. Distasteful printed slogans, buttons or pins

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Richmond Police Department or the morale of the employees.

1024.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS
Unless specifically authorized by the Chief of Police, Richmond Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Richmond Police Department to do any of the following (Government Code §§ 3206 and 3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.
(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
(c) Endorse, support, or oppose, any product, service, company or other commercial entity.
(d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1024.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT
(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:
   1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
   2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Policy Manual § 700).
1024.7.1 RETIREE BADGES
The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Richmond Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Richmond Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1024.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES
Richmond Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Richmond Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.
Police Cadets

1025.1 PURPOSE AND SCOPE
Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1025.2 EDUCATION REQUIREMENTS
Cadets are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. Cadets shall complete six semester units of college course work per semester and senior cadets shall complete 12 units per semester.

1025.3 PROGRAM COORDINATOR
The Training Bureau Manager will serve as the Program Coordinator. This supervisor will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department. He/she will also monitor the training provided for all cadets and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

1025.3.1 PROGRAM ADVISORS
The Program Coordinator may select individual officers to serve as advisors for the Cadet Program. These officers will serve as mentors for each cadet. Cadets will bring special requests, concerns, and suggestions to their program advisor for advice or direction before contacting the Program Coordinator. One advisor may be designated as the Coordinator's assistant to lead scheduled meetings and training sessions involving the cadets. Multiple cadets may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

1025.4 ORIENTATION AND TRAINING
Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet Training Manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1025.5 CADET UNIFORMS
Each cadet will be provided two uniforms meeting the specifications described in the Uniform Manual for non-sworn employees.
1025.6  ROTATION OF ASSIGNMENTS
Rotating job assignments should occur on a regular basis to enhance the career development for each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Training Bureau Manager.

In general, senior cadets will be assigned to positions requiring more technical skill or responsibility, as well as serving to train cadets for new assignments or those newly hired.

1025.7  RIDE-ALONG PROCEDURES
All cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Watch Commander. Applicable waivers must be signed in advance of the ride-along. Cadets shall wear their uniform while participating on a ride-along.

1025.8  PERFORMANCE EVALUATIONS
Performance evaluations for all cadets shall be completed monthly during their first year on probation. Upon successful completion of probation, cadets and senior cadets will be evaluated on a yearly basis to assess their current job performance and their potential as police officers.
Officer of the Year Award

1026.1 PURPOSE AND SCOPE
The purpose of this policy is to advise all members of the Award/Pin that will be designated for the Officer selected as "Officer of the Year".

1026.1.1 AWARD SPECIFICATIONS
(a) All individuals selected as Officer of the Year shall be presented with an appropriately inscribed Sterling Silver Pin in the shape of a seven (7) point star.
(b) Only those Officers having been accorded this special recognition shall be authorized to wear this award.
(c) The wearing of this pin shall be mandatory on the uniform dress jacket. It shall be worn centered above the right breast pocket so that the bottom point of the star shall be one-half (1/2) inch above the name plate.
(d) The wearing of this pin shall be optional either on the duty uniform or with civilian clothes.
(e) If worn on the duty uniform shirt, it may be worn either in the same manner as on the uniform dress jacket or as a tie tac.
(f) If worn with civilian clothes, it may be worn either as a lapel pin or as a tie tac.
Master Police Officer Program

1027.1 PURPOSE AND SCOPE
The Master Police Officer Program is established to recognize career Officers who have demonstrated a high degree of proficiency and professionalism. Officers appointed to this non-rank status shall be exemplary in their career performance and shall maintain a continual high degree of excellence.

1027.2 POLICY
(a) Possess an Advanced P.O.S.T. Certificate
(b) Qualified for and receiving permanent career incentive
(c) Sick leave used will be less than the equivalent of eight (8) work days regardless of hours per shift in the past two (2) years. This does not include death leave or industrial injury leave. The Chief of Police shall determine if sick leave is in the category of major illness or injury. He shall also determine if family sick leave will be counted as sick leave.
(d) No substantiated excessive force, unnecessary force, or racially abusive conduct complaints in the past two (2) years. Not more than one (1) substantiated complaint of any other kind within the last two (2) years.
(e) Have successfully participated in a minimum of two (2) specialist assignments. The minimum time (one year) shall refer to each separate assignment. The assignments are full-time assignments and include but are not limited to the following:
   1. Evidence Technician
   2. K-9 Handler
   3. DUI Officer
   4. Traffic Officer (includes motorcycle)
   5. Detective: Each different or separate unit assignment will count as a separate specialty
   6. Personnel or Personnel and Training Unit Officer
   7. Special Response Team
   8. Community Relations
   9. Special Enforcement Units
   10. Hilltop Mall Detail
   11. Research and Planning
Master Police Officer Program

12. School Resource Officer
13. Regulatory Unit Officer

(f) As a substitute for one (1) of the above specialist assignments, the employee has previously volunteered a minimum of one-hundred (100) hours of service time with prior approval from the Training Sergeant toward such programs as:
   1. P.A.L.
   2. Explorer Post
   3. Crime Prevention

(g) Has served as a certified Police Training Officer. A Police Training Officer shall be an Officer who has trained or is training sworn or Reserve Police Officers.

(h) The two most recent evaluations document a performance level that meets or exceeds performance dimensions. The evaluations shall contain at least three (3) exceeds standard ratings in the following dimensions:
   1. Desire for Self Improvement
   2. Problem Solving
   3. Judgment Under Pressure
   4. Observation Skills
   5. Willingness to Confront Problems
   6. Communication Skills
   7. Interest in People
   8. Dependability

(i) 85% or better at the last annual Department firearms qualification.

(j) Physical Fitness - one-time qualification upon application to the Program
   1. Weight proportioned per Department Policy Manual
   2. One (1) mile in less than ten (10) minutes
   3. Thirty (30) sit-ups in less than two (2) minutes
   4. Four (4) pull-ups
   5. Twenty (20) push-ups

(k) Eligible for Master Officer consideration at the completion of:
   1. Eight (8) years with possession of MA, or
   2. Ten (10) with possession of BA, or
Master Police Officer Program

3. Twelve (12) years with possession of AA, or
4. Fourteen (14) years of service.

(l) It shall be optional for Officers to perform forty (40) hours of off-duty assignments annually. Assignments may include but are not limited to:

1. Rangemaster duties
2. Defensive Tactics Instructor duties
3. CPR/First-Aid Instructor duties
4. Two background investigations per year (must be a certified background investigator)
5. Special Training/Research Projects
6. Driver Awareness and/or EVOC Instructor

(m) Program Assignment Option Procedure:

1. Effective 1 July 1989 and each July thereafter, each Master Officer desiring to participate must meet with the Training Unit Sergeant to obtain an approved Program Assignment Plan for the coming fiscal year.

2. Upon approval of an Assignment Plan, the Master Officer shall submit a memorandum to the Training Unit Sergeant, identifying the assignments to be performed, the approximate dates of performance, and the hours involved to meet the forty (40) hour requirements.

3. The Training Unit Sergeant shall indicate approval of the Plan and forward it to the Technical Support and Services Division Commander. Upon approval, payroll shall then be notified of eligibility for benefit compensation to the Master Officer on a monthly basis beginning 1 August of each year.

4. In June of each year, or sooner if appropriate, each Master Officer participating in an Assignment Plan shall forward a memorandum to the Training Unit Sergeant, documenting times, dates and activity that fulfilled the Assignment Plan.

5. Master Officers not completing the Plan shall be docked pay for all benefits received during that fiscal year.

(n) Program Assignment Limitation

1. Master Officers appointed to the Program prior to 1 July 1989 shall have the option to participate in the Program Assignment Option perpetually until promoted out of the Program, removed for failure to maintain qualifications, or until retirement.
2. Master Officers appointed to the Program after assignments are at the option of the Technical Support and Services Division as needs and conditions dictate.

(o) Benefits

1. Five (5) hours of straight-time compensation per month each month during the time that the Master Officer is participating in an approved Assignment Plan.

2. First consideration for P.O.S.T. schools after Department needs are met.

3. Gold Police Officer’s star with banner on top with Officer's name, matching uniform gold hat insignia, and the name plate. These items shall be purchased by the Department.

(p) Procedure and Control:

1. Application for Master Police Officer status shall be completed on a Personnel Action Request Form. The Officer shall outline compliance with the ten (10) qualifications indicated herein. The form shall be submitted through the chain of command to the Technical Support and Services Division Commander.

2. Applications shall be submitted during the month of October annually and by no means later than the last day of that month. The submitting of applications shall be the sole responsibility of the Officer, and the Department shall have no responsibility to notify Officers of the due dates.

3. All qualifications must be met prior to 1 October. To clearly define required time frames, all computation shall be from 1 October.

4. The Chief of Police shall make the final decision if an Officer meets the qualifications of a Master Police Officer. Failure to maintain any of the qualifications will disqualify the Officer's position as Master Police Officer. The Chief of Police shall have the discretion to deny or revoke the status of Master Police Officer at any time.
VEHICLE THEFT AWARD PROGRAM

1028.1 PURPOSE AND SCOPE
It is the policy of the Richmond Police Department to acknowledge outstanding performance, achievements, and acts of service by its members. The Department participates in the California Highway Patrol/California State Automobile Association Vehicle Theft Awards Program that awards recognition pins to officers and sergeants who have met specified criteria toward the reduction of stolen vehicle crimes. Only those employees awarded a recognition pin are authorized to wear the pin on their duty uniform.

1028.2 QUALIFICATIONS

1028.2.1 10851 AWARD
To qualify for the 10851 Award an employee must do one of the following within a 12-month period:
1. Make six separate incident rolling stolen in-custody arrests.
2. Recover at least twelve stolen vehicles of which a minimum of three must be rolling.
3. Develop information which results in the identification of a theft ring, subsequent arrest of two or more suspects, and the recovery of at least ten vehicles.
4. Note: Two officers may not claim the same arrest and/or vehicle recovery.

1028.2.2 10851 AWARD DESCRIPTION
There are four levels of the 10851 Award. The initial award consists of a white metal pin. Officers and sergeants who fulfill the criteria to receive a second award will receive a white 10851 pin with an attached ribbon containing a Roman numeral II. Subsequent awards contain ribbons with the Roman numerals III and IV.

1028.2.3 MASTER 10851 AWARD
Officers and sergeants who meet the criteria for the white 10851 Award five times are awarded the Master 10851 Award in lieu of a fifth white 10851 Award. Each time officers and sergeants meet the criteria totaling five 10851 Awards, an additional Master 10851 Award will be issued with the appropriate Roman numeral designation.

1028.2.4 MASTER 10851 AWARD DESCRIPTION
There are four levels of the Master 10851 Award. The initial Master Award consists of a blue metal pin. Subsequent awards contain ribbons with the appropriate Roman numeral designation to indicate the number of times the award has been earned.

1028.2.5 LIFETIME ACHIEVEMENT 10851 AWARD
Officers and sergeants who meet the criteria for the Master 10851 Award five times are eligible for the Lifetime Achievement 10851 Award. The Lifetime Achievement Award is the highest and final level awarded under the 10851 Award Program.
VEHICLE THEFT AWARD PROGRAM

1028.2.6 LIFETIME ACHIEVEMENT 10851 AWARD DESCRIPTION
The Lifetime Achievement 10851 Award consists of a metal pin with a ribbon containing a center stone.

1028.3 NOMINATION PROCEDURE

1028.3.1 OFFICERS AND SERGEANTS
The officer or sergeant who fulfills any of the above criteria shall submit for verification a memorandum through their chain of command to the Criminal Investigations Section Commander requesting the award. The memorandum shall include the name, date, and case number of each arrest/recovery.

1028.3.2 CRIMINAL INVESTIGATIONS SECTION COMMANDER
1. The Criminal Investigations Section Commander shall verify that requesting officers and sergeants have met the criteria for the requested award.
2. Once there are five or more officers who qualify for the 10851 Award, the Criminal Investigations Section Commander shall send a letter to the CHP Golden Gate Division 10851 Awards Coordinator. The contents of the letter should state the commander has verified the information submitted by the officer/sergeant and the requirements to receive the 10851 Award have been met. A copy of the officer/sergeant memorandum requesting consideration should be included with the commander’s letter.
3. A copy of the memorandum and commander’s letter should also be placed in the requesting employee’s personnel file.
4. If there are fewer than five recipients, nominations should be held until the minimum number is available for recognition or a neighboring agency should be contacted to present the award at their event.
Modified Duty Assignments

1029.1 PURPOSE AND SCOPE
The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Chief of Police or his/her designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

1029.2 DEFINITIONS
Modified Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

1029.3 LIMITATIONS
Modified-duty assignments are a management prerogative and not an employee right. Modified-duty assignments shall be subject to continuous re-assessment dependent upon Department need and the employee's ability to perform in a modified-duty capacity.

An injured employee may be assigned to a modified-duty position outside of his/her normal assignment or duties if it becomes available. If the injury or illness is non-duty related the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or other leave accounts as applicable.

(a) If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.

(b) The lack of Department need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.

(c) The Department may place conditions as deemed appropriate upon any modified-duty assignment.

1029.4 PROCEDURE
Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Division
Modified Duty Assignments

Commander or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Division Commander will determine what modified-duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a modified-duty assignment of 20 hours or less may be approved and facilitated by the Watch Commander or Division Commander. Assignments of longer duration are subject to the approval of the Chief of Police or his/her designee.

1029.4.1 MODIFIED-DUTY SCHEDULES
The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Commander.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee’s health care provider.

1029.4.2 ACCOUNTABILITY
The employee’s supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee’s sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep the Division Commander apprised of the employee’s status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Division Commander with an update of the employee’s current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.

(d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Commander and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.
1029.4.3 MEDICAL EXAMINATIONS
The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department. Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1029.5 PREGNANCY
It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

1029.5.1 EMPLOYEE NOTIFICATION
An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

1029.5.2 SUPERVISOR'S RESPONSIBILITY
Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Division Commander, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City's Personnel Rules and Regulations regarding family and medical care leave.

1029.6 PROBATIONARY EMPLOYEES
Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.

1029.7 MAINTENANCE OF CERTIFICATION AND TRAINING
Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.
Personnel Action Request Form

1030.1 PURPOSE AND SCOPE
The Personnel Action Request Form shall be required for the following situations:

(a) Military Leave (Active Duty)
(b) Military Leave (Without Pay)
(c) Leave of Absence (Without Pay)
(d) Request for Consideration
(e) Summary Commendation
(f) Employee Instructed (Non-Discipline)
(g) Summary Reprimand

1030.2 PROCEDURES
Items (a) through (d) are initiated by the employee and forwarded to the immediate supervisor.

Items (e) through (g) are initiated by the immediate supervisor of the employee based upon personal knowledge or information provided by another person.

When this form is used for commendation, instruction or reprimand, the initiating Supervisor shall indicate name, rank and position at the bottom of the "Remarks" section.

The supervisor shall sign or initial to indicate having reviewed the document with the employee. If someone other than the initiating supervisor reviews it with the employee, that shall also be noted.

(a) Employee Signature on the form:
1. The form shall be signed or initialed by the employee when being utilized as a request for consideration, military leave, or leave of absence.
2. Failure to sign the form regarding items a through d of § 1055.1 above shall result in termination of the request.
3. Employee (Non-Discipline) and Summary Reprimand: The employee receiving a Letter of Instruction or Summary Reprimand can opt not to sign the form. If an employee decides against signing or initialing in the signature box, the issuing supervisor shall write "REFUSED" in the employee signature box and initial next to it.
4. The signature or the initialing of a Summary Reprimand by an employee shall not be a waiver of the right to appeal.
(b) The entire document shall be forwarded through the chain of command to the Technical Support and Services Bureau Commander unless denied at a lower level.

(c) The Technical Support and Services Bureau Commander shall cause the form to be distributed as follows:

1. White - Employee Personnel File
2. Yellow - Employee
3. Pink - Office of the Chief of Police

1030.2.1 MILITARY LEAVE (ACTIVE OR WITHOUT PAY)

(a) The dates shall be listed in the "Remarks" section. (Example: Fifteen (15) days: 9-23 May 2012).

(b) Official orders must be attached and forwarded with the white copy of the Personnel Action Request Form.

(c) Military Leave (Active Duty) paid by the City shall not exceed thirty (30) calendar days per fiscal year including days off.

1030.2.2 LEAVE OF ABSENCE (WITHOUT PAY)

(a) Complete the "Remarks" section, explaining necessity of request. If leave extends beyond days off, distinguish days off in "Remarks" section. (Example: 15 days: 9-23 June 2012, days off 14-15 June and 21-22 June 2012.)

1030.2.3 REQUEST FOR CONSIDERATION

(a) Request for Consideration shall be used when an employee is requesting to be considered for a change of assignment or when an employee is to be nominated for the Medal Awards Program.

(b) The title of the assignment or program to be considered shall be indicated next to the Request for Consideration, i.e., Investigation Section, SRT, Motorcycle Officer, K-9 Medal Award, etc.

1030.2.4 SUMMARY COMMENDATION

(a) (a) The Personnel Action Request Form shall be used to record complimentary remarks amounting to less than a formal Letter of Commendation from the Chief of Police or Bureau Commander. (Example: If a citizen sends a letter to the Department, complimenting the actions of an Officer, the letter will be placed into that Officer's personnel file. If the same compliment was received by phone, i.e., citizen to Watch Commander, etc., the complimentary notations may be recorded on the Personnel Action Request Form.)
Richmond PD CA Policy Manual

Personnel Action Request Form

(b) Summary Commendations shall be reviewed by a Command Officer prior to being reviewed with the employee.

1030.2.5 EMPLOYEE INSTRUCTED (NON-DISCIPLINE)

(a) The Personnel Action Request Form is required when an employee is instructed as part of the clearance of a personnel complaint or other investigation.

(b) The Personnel Action Request Form may be used to record minor deficiencies corrected by instruction or direction given by a Supervisor. The specific instruction given shall be listed in the "Remarks" section.

(c) An "Employee Instructed (Non-Discipline)" shall upon request of the employee be removed from the Personnel File and Bureau after six (6) months if there has been no reoccurrence of a failure of the same nature.

(d) An "Employee Instructed (Non-Discipline)" shall not be removed from a probationary employee's file until he/she has successfully completed the probationary period.

1030.2.6 SUMMARY REPRIMAND

(a) A Summary Reprimand shall be used when the situation does not warrant a formal letter of reprimand from the Chief of Police or Bureau Commander.

(b) A Summary Reprimand shall upon request of the employee be removed from the files after one (1) year if there has been no reoccurrence of a failure of the same nature.

(c) A Summary Reprimand shall not be removed from a probationary employee's file until he/she has successfully completed the probationary period.
Employee Speech, Expression and Social Networking

1031.1 PURPOSE AND SCOPE
This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1031.1.1 APPLICABILITY
This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

1031.2 POLICY
Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Richmond Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

The City of Richmond expects you to write knowledgeably, accurately and professionally about our services, employees and citizens. Despite disclaimers, your interaction on social media can result in the public forming harmful opinions. Avoid any behavior that will reflect negatively on the City's reputation.

1031.3 SAFETY
Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Richmond Police Department employees, such as posting personal information in a public
forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1031.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT
To meet the department's safety, performance and public-trust needs, the following is prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Richmond Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Richmond Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Richmond Police Department or its employees.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Richmond Police Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
Employee Speech, Expression and Social Networking

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Richmond Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).

2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1031.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Richmond Police Department or identify themselves in any way that could be reasonably perceived as representing the Richmond Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 3302):

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Richmond Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized
**Employee Speech, Expression and Social Networking**

bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

**1031.5 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department. This includes the department e-mail system, computer network or any information placed into storage on any department system or device.

It also includes records of all key strokes or web-browsing history made at any department computer or over any department network.

The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a department computer or network. However, the Department may not require an employee to disclose a personal user name or password or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work related misconduct (Labor Code § 980).

**1031.6 TRAINING**

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.
## INDEX / TOPICS

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABBREVIATIONS</td>
<td>15</td>
</tr>
<tr>
<td>ACCIDENTAL DISCHARGE</td>
<td>89</td>
</tr>
<tr>
<td>ADMINISTRATIVE INVESTIGATION</td>
<td>81</td>
</tr>
<tr>
<td>ADMINISTRATIVE LEAVE</td>
<td>548</td>
</tr>
<tr>
<td>ADULT ABUSE</td>
<td>148</td>
</tr>
<tr>
<td>AIRCRAFT ACCIDENTS</td>
<td>326</td>
</tr>
<tr>
<td>ALCOHOL</td>
<td>518</td>
</tr>
<tr>
<td>ALCOHOL AND DRUGS</td>
<td>85</td>
</tr>
<tr>
<td>ALCOHOL USE</td>
<td>518</td>
</tr>
<tr>
<td>ALPR</td>
<td>372</td>
</tr>
<tr>
<td>AMMUNITION</td>
<td>85</td>
</tr>
<tr>
<td>ANIMALS</td>
<td>89</td>
</tr>
<tr>
<td>Euthanize</td>
<td>89</td>
</tr>
<tr>
<td>Injured</td>
<td>89</td>
</tr>
<tr>
<td>APPOINTMENTS</td>
<td>365</td>
</tr>
<tr>
<td>Coordinator - portable audio/video recorders</td>
<td>427</td>
</tr>
<tr>
<td>UAS Coordinator</td>
<td>427</td>
</tr>
<tr>
<td>ARMORER</td>
<td>89</td>
</tr>
<tr>
<td>ARRESTS</td>
<td>48</td>
</tr>
<tr>
<td>Use of force</td>
<td>48</td>
</tr>
<tr>
<td>ASSET FORFEITURE</td>
<td>412</td>
</tr>
<tr>
<td>Procedure</td>
<td>412</td>
</tr>
<tr>
<td>AUDIO RECORDERS</td>
<td>357</td>
</tr>
<tr>
<td>AUTHORITY</td>
<td>10</td>
</tr>
<tr>
<td>Policy manual</td>
<td>15</td>
</tr>
<tr>
<td>AUTOMATED LICENSE PLATE READER</td>
<td>372</td>
</tr>
<tr>
<td>AUXILIARY RESTRAINTS</td>
<td>59</td>
</tr>
<tr>
<td>ANIMALS</td>
<td>89</td>
</tr>
<tr>
<td>BARRICADED SUSPETS</td>
<td>293</td>
</tr>
<tr>
<td>BATON</td>
<td>62</td>
</tr>
<tr>
<td>BIAS-BASED PROFILING</td>
<td>272</td>
</tr>
<tr>
<td>BLOOD TESTS</td>
<td>393</td>
</tr>
<tr>
<td>BODY ARMOR</td>
<td>556</td>
</tr>
<tr>
<td>BODY CAVITY SEARCH</td>
<td>495</td>
</tr>
<tr>
<td>BOMB CALLS</td>
<td>295</td>
</tr>
<tr>
<td>BOMB THREATS</td>
<td>297</td>
</tr>
<tr>
<td>BOOKING SEARCH</td>
<td>495</td>
</tr>
<tr>
<td>BRADY MATERIAL</td>
<td>425</td>
</tr>
<tr>
<td>BREATH TEST</td>
<td>393</td>
</tr>
<tr>
<td>CANINE</td>
<td>112</td>
</tr>
<tr>
<td>Assignments</td>
<td>115</td>
</tr>
<tr>
<td>Handler Compensation</td>
<td>117</td>
</tr>
<tr>
<td>Handler Responsibilities</td>
<td>116</td>
</tr>
<tr>
<td>Request for Use</td>
<td>115</td>
</tr>
<tr>
<td>Selection</td>
<td>115</td>
</tr>
<tr>
<td>Training</td>
<td>118</td>
</tr>
<tr>
<td>CANINE USE REPORTS</td>
<td>114</td>
</tr>
<tr>
<td>CCW PERMITS</td>
<td>33</td>
</tr>
<tr>
<td>CHANGE OF ASSIGNMENT</td>
<td>564</td>
</tr>
<tr>
<td>CHIEF EXECUTIVE</td>
<td>12</td>
</tr>
<tr>
<td>CHILD ABUSE</td>
<td>157</td>
</tr>
<tr>
<td>CHILD SAFETY SEAT</td>
<td>554</td>
</tr>
<tr>
<td>CITATIONS</td>
<td>379</td>
</tr>
<tr>
<td>CITE &amp; RELEASE</td>
<td>303</td>
</tr>
<tr>
<td>CITIZEN COMPLAINTS</td>
<td>545</td>
</tr>
<tr>
<td>CIVIL RESPONSE TEAM</td>
<td>82</td>
</tr>
<tr>
<td>CIVILIAN/NON-SWORN</td>
<td>15</td>
</tr>
<tr>
<td>CODE-3</td>
<td>109</td>
</tr>
<tr>
<td>COMMAND PROTOCOL</td>
<td>20</td>
</tr>
<tr>
<td>COMMUNICABLE DISEASES</td>
<td>535</td>
</tr>
<tr>
<td>Confidentiality</td>
<td>541</td>
</tr>
<tr>
<td>Counseling</td>
<td>541</td>
</tr>
<tr>
<td>COMMUNICATION OPERATIONS</td>
<td>451</td>
</tr>
<tr>
<td>COMPUTER USE</td>
<td>193</td>
</tr>
<tr>
<td>CONCEALED WEAPON PERMITS</td>
<td>33</td>
</tr>
<tr>
<td>CONCEALED WEAPONS PERMITS</td>
<td>91</td>
</tr>
<tr>
<td>Out of State</td>
<td>91</td>
</tr>
<tr>
<td>CONFIDENTIAL INFORMANTS</td>
<td>415</td>
</tr>
<tr>
<td>Payment Procedure</td>
<td>417</td>
</tr>
<tr>
<td>CONFIDENTIAL INFORMATION</td>
<td>189</td>
</tr>
<tr>
<td>CONSTITUTIONAL REQUIREMENTS</td>
<td>10</td>
</tr>
<tr>
<td>CONTROL DEVICES</td>
<td>61</td>
</tr>
<tr>
<td>CONTROL DEVICES</td>
<td>61</td>
</tr>
<tr>
<td>CORI</td>
<td>470</td>
</tr>
<tr>
<td>CORRESPONDENCE</td>
<td>31</td>
</tr>
<tr>
<td>COURT APPEARANCE</td>
<td>203</td>
</tr>
<tr>
<td>COURTROOM ATTIRE</td>
<td>206</td>
</tr>
<tr>
<td>COURTROOM PROTOCOL</td>
<td>206</td>
</tr>
<tr>
<td>CRIME SCENE</td>
<td>276</td>
</tr>
<tr>
<td>CRIMINAL ACTIVITY REPORTING</td>
<td>196</td>
</tr>
<tr>
<td>CRIMINAL OFFENDER RECORD INFORMATION</td>
<td>470</td>
</tr>
<tr>
<td>CRISIS NEGOTIATION TEAM</td>
<td>278</td>
</tr>
<tr>
<td>CRISIS RESPONSE UNIT</td>
<td>278</td>
</tr>
<tr>
<td>CUSTODIAN OF RECORDS</td>
<td>472</td>
</tr>
<tr>
<td>CUSTODY SEARCHES</td>
<td>495</td>
</tr>
<tr>
<td>DAMAGE BY CITY PERSONNEL</td>
<td>198</td>
</tr>
<tr>
<td>DEATH INVESTIGATION</td>
<td>232</td>
</tr>
<tr>
<td>DEATH NOTIFICATION</td>
<td>233</td>
</tr>
<tr>
<td>DECONTAMINATION</td>
<td>537</td>
</tr>
<tr>
<td>DESTRUCTIVE VEHICLES</td>
<td>436</td>
</tr>
<tr>
<td>DEFINITIONS</td>
<td>15</td>
</tr>
<tr>
<td>DEPARTMENT OWNED PROPERTY</td>
<td>431</td>
</tr>
<tr>
<td>DEPENDENT ADULT</td>
<td>148</td>
</tr>
<tr>
<td>DEPLOYMENT</td>
<td>312</td>
</tr>
<tr>
<td>DESTRUCTION OF ANIMALS</td>
<td>88</td>
</tr>
<tr>
<td>DIGITAL RECORDERS</td>
<td>357</td>
</tr>
<tr>
<td>DISASTER PLAN</td>
<td>26</td>
</tr>
<tr>
<td>DISASTER SCENE</td>
<td>276</td>
</tr>
<tr>
<td>DISCIPLINARY POLICY</td>
<td>184</td>
</tr>
<tr>
<td>DISCLAIMER</td>
<td>14</td>
</tr>
<tr>
<td>DISCLOSING INFORMATION</td>
<td>626</td>
</tr>
<tr>
<td>DISCRIMINATION</td>
<td>188</td>
</tr>
<tr>
<td>DISCRIMINATORY HARASSMENT</td>
<td>152</td>
</tr>
<tr>
<td>Complaints</td>
<td>154</td>
</tr>
<tr>
<td>Supervisor's Role</td>
<td>154</td>
</tr>
<tr>
<td>DISCRIMINATORY HARASSMENT</td>
<td>153</td>
</tr>
<tr>
<td>DISPUTED CLAIMS</td>
<td>458</td>
</tr>
<tr>
<td>DISTRIBUTION</td>
<td>15</td>
</tr>
<tr>
<td>DNA</td>
<td>404</td>
</tr>
<tr>
<td>DOG BITES</td>
<td>114</td>
</tr>
<tr>
<td>DOG INJURIES</td>
<td>114</td>
</tr>
<tr>
<td>DOMESTIC VIOLENCE</td>
<td>122</td>
</tr>
<tr>
<td>DRIVING TACTICS</td>
<td>101</td>
</tr>
<tr>
<td>DRUG USE</td>
<td>518</td>
</tr>
<tr>
<td>DUI ENFORCEMENT</td>
<td>392</td>
</tr>
<tr>
<td>DUTY TO INTERCEDE</td>
<td>47</td>
</tr>
<tr>
<td>DUTY TO INTERCEDE</td>
<td>83</td>
</tr>
<tr>
<td>E</td>
<td>67</td>
</tr>
<tr>
<td>ELDER ABUSE</td>
<td>148</td>
</tr>
<tr>
<td>ELECTRO-MUSCULAR DISRUPTION</td>
<td>67</td>
</tr>
<tr>
<td>TECHNOLOGY DEVICE</td>
<td>67</td>
</tr>
<tr>
<td>ELECTRONIC MAIL</td>
<td>29</td>
</tr>
<tr>
<td>EMERGENCY MANAGEMENT PLAN</td>
<td>26</td>
</tr>
<tr>
<td>EMPLOYEE ASSISTANCE</td>
<td>518</td>
</tr>
<tr>
<td>EMPLOYEE COMMENDATIONS</td>
<td>565</td>
</tr>
<tr>
<td>EMPLOYEE CONVICTIONS</td>
<td>516</td>
</tr>
<tr>
<td>ENFORCEMENT</td>
<td>378</td>
</tr>
<tr>
<td>EVALUATION</td>
<td>506</td>
</tr>
<tr>
<td>EVIDENCE</td>
<td>453</td>
</tr>
<tr>
<td>EXPLOSIVES</td>
<td>295</td>
</tr>
<tr>
<td>EXPOSURE CONTROL OFFICER</td>
<td>536</td>
</tr>
<tr>
<td>EXPOSURE(S)</td>
<td>291</td>
</tr>
<tr>
<td>EXTENDED ILLNESS</td>
<td>523</td>
</tr>
<tr>
<td>FIELD INTERVIEW</td>
<td>340</td>
</tr>
<tr>
<td>FIELD PHOTOGRAPHS</td>
<td>340</td>
</tr>
<tr>
<td>FIELD SOBRIETY TESTS</td>
<td>392</td>
</tr>
<tr>
<td>FIGHTING</td>
<td>185</td>
</tr>
<tr>
<td>FIREARM SERIAL NUMBERS</td>
<td>464</td>
</tr>
<tr>
<td>FIREARMS</td>
<td>41</td>
</tr>
<tr>
<td>Retiree</td>
<td>41</td>
</tr>
<tr>
<td>FIREARMS</td>
<td>83</td>
</tr>
<tr>
<td>Flying Armed</td>
<td>90</td>
</tr>
<tr>
<td>Qualifications</td>
<td>88</td>
</tr>
<tr>
<td>Storage of</td>
<td>87</td>
</tr>
<tr>
<td>FIREARMS DISCHARGE</td>
<td>89</td>
</tr>
<tr>
<td>FITNESS FOR DUTY</td>
<td>575</td>
</tr>
<tr>
<td>FORCE</td>
<td>54</td>
</tr>
<tr>
<td>FOREIGN DIPLOMATIC AND CONSULAR REPRESENTIVES</td>
<td>307</td>
</tr>
<tr>
<td>FOREIGN NATIONALS</td>
<td>307</td>
</tr>
<tr>
<td>Arrest Procedure</td>
<td>311</td>
</tr>
<tr>
<td>G</td>
<td>67</td>
</tr>
<tr>
<td>GRIEVANCE PROCEDURE</td>
<td>511</td>
</tr>
<tr>
<td>GRIEVANCES</td>
<td>511</td>
</tr>
<tr>
<td>Supervisor authority</td>
<td>15</td>
</tr>
<tr>
<td>GROOMING STANDARDS</td>
<td>590</td>
</tr>
<tr>
<td>H</td>
<td>67</td>
</tr>
<tr>
<td>HANDCUFFING</td>
<td>58</td>
</tr>
<tr>
<td>HATE CRIMES</td>
<td>181</td>
</tr>
<tr>
<td>HAZARDOUS MATERIAL</td>
<td>291</td>
</tr>
<tr>
<td>HELICOPTER ASSISTANCE</td>
<td>339</td>
</tr>
<tr>
<td>HIGH-VISIBILITY VESTS</td>
<td>379</td>
</tr>
<tr>
<td>HORSEPLAY</td>
<td>185</td>
</tr>
<tr>
<td>HOSTAGES</td>
<td>293</td>
</tr>
<tr>
<td>NEGOTIATIONS</td>
<td>293</td>
</tr>
<tr>
<td>I</td>
<td>67</td>
</tr>
<tr>
<td>IDENTITY THEFT</td>
<td>235</td>
</tr>
<tr>
<td>INITIATE A PURSUIT</td>
<td>97</td>
</tr>
<tr>
<td>INTERNET ACTIVITY</td>
<td>626</td>
</tr>
<tr>
<td>INTERNET USE</td>
<td>194</td>
</tr>
<tr>
<td>INTOXICANTS</td>
<td>188</td>
</tr>
<tr>
<td>INVESTIGATION &amp; PROSECUTION</td>
<td>403</td>
</tr>
<tr>
<td>J</td>
<td>67</td>
</tr>
<tr>
<td>JAIL</td>
<td>479</td>
</tr>
<tr>
<td>Phone Calls</td>
<td>488</td>
</tr>
<tr>
<td>JAIL RELEASE</td>
<td>304</td>
</tr>
<tr>
<td>JAIL SEARCHES</td>
<td>486</td>
</tr>
<tr>
<td>JURISDICTIONS</td>
<td>486</td>
</tr>
<tr>
<td>Title</td>
<td>Page</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Vehicle pursuits.</td>
<td>103</td>
</tr>
<tr>
<td>JUVENILE INFORMANTS</td>
<td>416</td>
</tr>
<tr>
<td>JUVENILES</td>
<td>138</td>
</tr>
<tr>
<td>Citations.</td>
<td>306</td>
</tr>
<tr>
<td>Use as Informants.</td>
<td>416</td>
</tr>
</tbody>
</table>

## K

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>KINETIC PROJECTILES</td>
<td>64</td>
</tr>
</tbody>
</table>

## L

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEG IRONS</td>
<td>59</td>
</tr>
<tr>
<td>LEG RESTRAINT</td>
<td>57</td>
</tr>
<tr>
<td>LEG RESTRAINTS</td>
<td>59</td>
</tr>
<tr>
<td>LICENSE PLATE RECOGNITION</td>
<td>372</td>
</tr>
<tr>
<td>LIGHT DUTY ASSIGNMENTS</td>
<td>619</td>
</tr>
</tbody>
</table>

## M

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>MANDATORY APPEARANCE</td>
<td>203</td>
</tr>
<tr>
<td>MANUALS</td>
<td>26</td>
</tr>
<tr>
<td>MDC</td>
<td></td>
</tr>
<tr>
<td>Emergency Activation</td>
<td>356</td>
</tr>
<tr>
<td>MEAL PERIODS AND BREAKS</td>
<td>578</td>
</tr>
<tr>
<td>MEDIA RELATIONS</td>
<td>77</td>
</tr>
<tr>
<td>MEDIA REQUEST</td>
<td>200</td>
</tr>
<tr>
<td>MINIMUM STAFFING</td>
<td>32</td>
</tr>
<tr>
<td>MISSING PERSON</td>
<td></td>
</tr>
<tr>
<td>Definitions.</td>
<td>165</td>
</tr>
<tr>
<td>MOBILE DATA CENTER</td>
<td>355</td>
</tr>
<tr>
<td>MODIFIED DUTY ASSIGNMENTS</td>
<td>619</td>
</tr>
</tbody>
</table>

## N

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>NARCOTIC-DETECTION DOGS</td>
<td>113</td>
</tr>
<tr>
<td>Use of.</td>
<td></td>
</tr>
<tr>
<td>NEWS MEDIA RELATIONS</td>
<td>200</td>
</tr>
<tr>
<td>NOTIFICATIONS</td>
<td>77</td>
</tr>
<tr>
<td>NUMERICAL FILING</td>
<td>462</td>
</tr>
</tbody>
</table>

## O

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>OATH</td>
<td>13</td>
</tr>
<tr>
<td>OC SPRAY</td>
<td>62</td>
</tr>
<tr>
<td>OFFICER IDENTIFICATION</td>
<td>452</td>
</tr>
<tr>
<td>OFFICER SAFETY</td>
<td></td>
</tr>
<tr>
<td>LEOSA</td>
<td>41</td>
</tr>
<tr>
<td>OFFICER-INVOLVED SHOOTING</td>
<td>75</td>
</tr>
<tr>
<td>ORGANIZATIONAL STRUCTURE</td>
<td>19</td>
</tr>
<tr>
<td>OUTSIDE AGENCY ASSISTANCE</td>
<td>214</td>
</tr>
<tr>
<td>OUTSIDE EMPLOYMENT</td>
<td>583</td>
</tr>
<tr>
<td>Change in Status.</td>
<td>586</td>
</tr>
<tr>
<td>Obtaining Approval.</td>
<td>583</td>
</tr>
<tr>
<td>Prohibited Outside Employment.</td>
<td>584</td>
</tr>
<tr>
<td>Security Employment.</td>
<td>585</td>
</tr>
<tr>
<td>OVERTIME PAYMENT</td>
<td>581</td>
</tr>
</tbody>
</table>

## P

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAS</td>
<td>395</td>
</tr>
<tr>
<td>PAT DOWN SEARCH</td>
<td>495</td>
</tr>
<tr>
<td>PAT DOWN SEARCHES</td>
<td>495</td>
</tr>
<tr>
<td>PAT-DOWN SEARCH</td>
<td>340</td>
</tr>
<tr>
<td>PATROL FUNCTION</td>
<td>270</td>
</tr>
<tr>
<td>PEACE OFFICER POWERS</td>
<td>10</td>
</tr>
<tr>
<td>PEPPER PROJECTILES</td>
<td>62</td>
</tr>
<tr>
<td>PEPPER SPRAY</td>
<td>62</td>
</tr>
<tr>
<td>PERSONAL APPEARANCE</td>
<td>590</td>
</tr>
<tr>
<td>PERSONAL PROPERTY</td>
<td>431</td>
</tr>
</tbody>
</table>

Personnel Complaints
- Acceptance. 546
- Administrative Searches. 550
- Disposition. 551
- Documentation. 547

Personnel Files
- Defined. 558
- Purging Of Files. 563
- Requests For Disclosure. 559
- Types Of Personnel Files. 560

Personnel Records
- Defined. 468

Physical Condition
- 189

Police Cadets
- Defined. 610
- Program Advisors. 610

Police Service Dog
-Defined. 112

Policy Manual
- 14

Political Activity
- 627

Political Endorsements
- 627

Pregnancy
- 621

Prisoner Phone Calls
- 488

Privacy Expectation
- 628

Privacy Expectations

- Unmanned aerial system. 427

Private Persons Arrests
- 236

Prohibited Speech
- 626

Promotional Process
- 509

Property Procedures
- Disputed Claims. 458
- Narcotics And Dangerous Drugs. 454
- Packaging Of Property. 455
- Property Booking. 453
- Property Handling. 453
- Property Release. 457

Public Information Officer
- 328

Pursuit Intervention
- 105

Pursuit Units
- 99